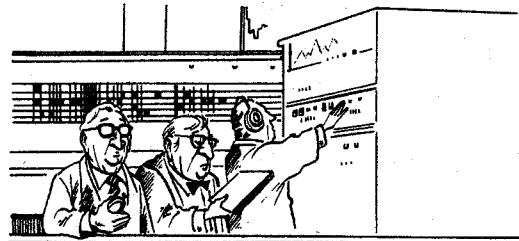


INDIGENOUS MUSIC⁺ NAT HENTOFF

THE NATION

JUNE 19, 1976

50 cents



Vadillo, El Sol de Mexico

**Politics
As Spectacle**

ALAN WOLFE

THE LOOMING ONE-PARTY SYSTEM

**STERILIZATION IN INDIA
INDIRA GANDHI USES FORCE**

Kai Bird

Lucey of Wisconsin

How One Governor Does His Job

EUGENE C. HARRINGTON

Lillian Hellman

ROBERT SHERRILL

JUN 14 1977

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LETTERS

Freedom Summer

In 1964, the Council of Federated Civil Rights Organizations mounted a summer project which engaged hundreds of people from all over the country in voter registration and community organization in Mississippi. Also in the summer of 1964, Congress and President Johnson crystallized the war in Southeast Asia with the Gulf of Tonkin Resolution. . . . At that time, many of us in Mississippi recognized that we could not hope to come near accomplishing our goals until the war was stopped.

The war is over. Jimmy Carter rides out of Georgia on the gains of the struggles of the 1960s. . . . The United States mindlessly puts on its red, white and blue paper hat and toots its Yankee Doodle toy trumpet to celebrate its birthday, paying lip service to a revolutionary history of which COFO and SNCC were a contemporary expression. . . .

I should like to have us organize, not a reunion but a conference of the survivors of Freedom Summer and the various SNCC and COFO projects. The questions to be raised at such a conference would be those of the present, not the past: questions like our role as historians and our actual or possible roles as activists today. The work we set ourselves to join in the mid-1960s is not finished; it is time to see how we can best take it up again.

For arranging such a conference for the winter or spring of 1977 I shall need help and support. I should like to hear from any SNCC or COFO freedom workers, but especially from those who might want to lend a hand in a renewal of our unfinished business.

J. Kates

17 Laws Brook Rd.
West Concord, Mass. 01742

what Ford doesn't see

Riverside, Conn.

President Ford . . . has vetoed every bill passed by Congress for social welfare or for the poor or the unemployed. He seems to hate the poor. He tries to justify these vetoes on the ground that he does not want too big a federal deficit.

But a federal deficit is good, not bad, when there are people out of work. When the federal government operates at a deficit it spends more money—which then acts as purchasing power in the stream of our economy—than it takes back from people by taxes. Thus there is a net gain in purchasing power from the federal government's operations.

When people are out of work that is good. For then some of the unemployed get jobs to produce more goods and furnish more services to meet that increased purchasing power. It will not cause inflation as long as there are idle workers . . . but President Ford does not have enough economic information to understand that.

The Humphrey-Hawkins bill provides for full employment by declaring that the federal government should be the employer of last resort to provide jobs for all those whom private industry does not hire. . . . This policy of a massive federal program of useful public works would, in the first year, increase the federal deficit. But it would very quickly and substantially reduce the federal deficit thereafter. For it would turn unemployed tax eaters into employed taxpayers. . . .

Alfred Baker Lewis

correction

Robert Joe Stout, whose "The Thin Edge of Retirement" appeared in *The Nation* of May 8, was identified by us as editor of *New Southern Poets*. Mr. Stout was a contributor to that volume, but the editors are Guy Owen and Mary C. Williams.

EDITORIALS

Carter's Free Hand

How will the Democrats pass the time between now and their convention in mid-July? They face a serious problem of unemployment. The Democrats have a candidate in Carter—the one remaining question is the style and cadence of the collapse in his favor by the other candidates and their backers. The party has arranged things so that the normal donnybrook over rules, credentials and even platform seems out of the question. The Madison Square Garden extravaganza will be just that, more show than contest over men and ideas. It will be a showcase for Carter and the problem will be how not to bore the viewing public.

The Republican contest is still lively, however repellent. Neither Ford nor Reagan has the nomination on ice, so the competition in vulgar irrelevancy goes on. Reagan's fantasies about armed American intervention in behalf of the 4 per cent white population of Rhodesia matches the disgusting notion Ford has that he can somehow get the executive branch into the act on equal educational opportunity for blacks, a constitutional question at the state and local level if ever there was one. After all the jostling, the Republicans will have to nominate Ford or face the probability of disappearance as a party. Strong though their suicidal impulses toward reaction are, they will not take the plunge off the brink this year.

So the general election will offer the choice of Carter or Ford. That would have been a contest on the Right side of the political spectrum in any case, but Ford has been chivvied so far beyond his normal dull, stand-pat conservatism by the eccentrically reactionary Reagan as to bend the whole "dialogue" of the national campaign in that direction. The best hope is that the enigmatic Carter will not allow Ford to set the tone of the debate, but will pursue an independent course. That possibility is not out of the question. He knows that he has tremendous force behind his candidacy, including a newly jelled "solid South." He has already said that he must make strong overtures to what he calls "the Eastern liberal establishment," which has had doubts about him. He should be an extraordinarily powerful candidate, able to determine the nature of the national discussion of the Presidency, acting and not reacting.

There is no real heart left in the ABC (Anybody But Carter) movement. Wallace, his first victim, is inevitably for him. Morris Udall, the best man in the race, in our view, said on the night of the tri-state "superbowl" that he would get back in the contest when the sun rose in the West. Mayor Daley brutally squelched Humphrey's lingering dreams of a draft on the same evening. Jackson is flirting with Carter; Church emphasizes that he has never said a bad word about him. Only Governor Brown is still talking his usual fake-aggressive nonsense. All that remains for Carter to do is pick up the pieces and put them together in a way that is harmonious and electorally appealing. There is no doubt that this adroit politician can do just that.

The danger to the country's future in all this is that

it will be too easy for the Democrats. They will be running against an inept and divided Republican "leadership." All they need do is flash a new face (Carter's) before the voters. Policies to deal with the grave problems of the day, at home and abroad, can take a back seat. It is up to Carter to decide whether to leave it at that. He can win on his smile or he can win after making the country face its real problems, for which he can outline the solutions he proposes. There is no clear sign yet as to which way he will go.

In this magazine's May 29th issue, the Auto Workers' Leonard Woodcock proposed, as he had to the Democratic Platform Committee, that there be a system of accountability between the party's nominee and President and the party itself, a sort of compact on the issues as established by the party. Such an agreement would give a President strong roots in the nation's political processes and it would give new life to the whole structure of our political life. In this issue (p. 752), Alan Wolfe makes the gloomy but accurate statement that "We are being governed without parties at this moment." He looks ahead to a "one-party system" of shifting "governing coalitions," with all the ominous connotations that current and recent history have given that idea.

Carter, having brought the South back into the national Democratic Party, is in a position to try to reverse that trend. He can do so, after balancing the factions, by appealing to what is best in the Democrats' traditions and being openly responsive to them. The question is whether he will see and seize that opportunity, which it is not excessive to call historic.

Generation of Liars

The old cynical saying that diplomats go abroad to lie for their country is given a new twist with the confirmation of Harry Shlaudeman as this country's manager of diplomacy for Latin America. The originality of the Shlaudeman case is that the man Henry Kissinger has named for the important post of Assistant Secretary of State for Inter-American Affairs did his lying at home. In fact he did it to the Congress of the United States.

The case against Shlaudeman is contained in a statement he made to the House Foreign Affairs Committee on June 12, 1974. Talking that day about our government's behavior toward Chile, he said that "Despite pressures to the contrary, the U.S. Government adhered to a policy of nonintervention in Chile's affairs during the Allende period."

Shlaudeman was the second-ranking man in the American Embassy in Santiago in the 1969-73 period when the policy of our government descended from open hostility to the struggling Socialist government of Salvador Allende, through the covert dirty tricks of "destabilization," all the way to the Kissinger-Nixon "Track 2" scheme, whereby the CIA encouraged the organization and execution of a military coup by right-wing generals. That last policy, on Nixon's orders, was concealed from the State Department, clearly on the ground that it was better to leave the diplomats in the dark about what was really going on—but Shlaudeman was in on the rest of

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the program and lied when he denied knowledge of it.

At this point we might note that the best case against Richard Helms, the former CIA director and present Ambassador to Iran, for perjury (not to mention contempt of Congress) rests on his knowingly false statements to Congressional committees on the same subject of Chile. However, there is no sign in either branch of the government that Helms is going to be pursued in justice for his evasions, prevarications or smooth deceptions. Instead, he is the honored representative of this country to the court of the dictator-Shah, a regime in no need of toppling, by the lights of current American international morality, because it is firmly anti-Communist, strategically situated, and more than adequately repressive of its own people.

Should the unpunished lying of this more important figure in our foreign policy establishment serve as an excuse for Shlaudeman and therefore as a justification for placing him in charge of our relations with all of Latin America? On the face of it, the answer must be "No." But *The Washington Post* has gone beneath the obvious surface and into the recesses of foreign policy to find a most unconvincing "Yes" to the question of whether Shlaudeman should be confirmed as our top policy maker for Latin America. In its lead editorial on June 6, the *Post*, while repeating its condemnation of the tactics the U.S. Government used to overthrow the elected government of Chile, finds Shlaudeman something of an innocent victim of what it calls "the process of switching" from one system of doing America's business abroad to another. According to that newspaper, we are changing from the secret nastiness of the Nixon operations abroad (planned and executed by Kissinger, the man who nominated Shlaudeman for his new post) to one that is more open and subject to the famous "oversight" of a Congress that is said, but not proved, to be less "permissive." And, goes this argument, Shlaudeman is caught in the crack between the two systems.

"The issue here," says the *Post*, "is not the nature of what the United States was doing, however reprehensible one may think it to be; the issue turns on the ability of the United States to deal in confidence with foreign governments or with particular elements or individuals within a foreign country." Thus defined by the *Post*, the issue is a skidding, illegal U-turn. It means that diplomats who, under orders from the likes of Kissinger, did this country's dirty work abroad must thereafter cover up and hide their tracks, even by lying to Congress, lest they compromise their co-conspirators abroad. It is the *Post*'s pious hope that this kind of thing will be forever stopped when "Congress can gain in secrecy, and before the fact, information about acts that it is willing to permit to be conducted in secrecy." In other words, "oversight" before and after dirty tricks. Meanwhile, Shlaudeman should not be "victimized."

On the degree of confidence we should be prepared to place in the proposed "oversight" system it might be useful to cite the views of a recognized expert in the dirty tricks department. John Ehrlichman, the Nixon cabal's resident specialist in that black art, is quoted in an interview with Philip Nobile in the same issue of the *Post* as having the following cynical view of the

possibility of controlling the CIA: "Without singling out Richard Helms," said Ehrlichman, "the CIA has come through this entire period in remarkably good health. They put a couple of the old boys overboard in well-provisioned lifeboats. But the CIA goes on as it did before. The Senate oversight committee is a sham. It won't make a particle of difference. . . ."

This country has taken giant steps into the world of *Realpolitik* since the days when the former Secretary of State and of War, Henry L. Stimson, could say, only a generation or so ago, in opposition to intelligence operations that are now common, that gentlemen did not open each other's letters. Have we gone so far in imitation of the Russian adversary's tactics that a bureaucrat with Shlaudeman's record should be the one to make our diplomatic policy toward Latin America?

Rep. Michael Harrington (D., Mass.), among others, does not think so and is mounting a fight against the confirmation of this pliant diplomat. He is absolutely right, of course, and deserves the support of the entire Congress, which he will not get. Voting down the Shlaudeman appointment would establish an important principle. In the words of John Marks (co-author with Victor Marchetti of *The CIA and the Cult of Intelligence*), which appear on the page opposite the *Post* editorial cited above, "it is just possible that the next time a Congressional committee tries to find out what American policy is toward a particular country the official under questioning will at least refuse to lie, even if he does not want to tell the truth."

The Brazen Warriors

Anyone who feared for the health, vigor and viciousness of the military-industrial complex, whose central role in this country's life was identified, and deplored, by President Eisenhower sixteen years ago, can now rest easy. The Department of Defense has just secretly promoted to its top procurement job the man who was "severely reprimanded" and fined a month's pay for accepting favors from a leading defense contractor.

It was three months ago that this elevated (and promoted) individual, Dr. Malcolm R. Currie, then the Pentagon's director of defense research and engineering, was caught with his hand in the cookie jar of Rockwell International Corp. Currie, last Labor Day, allowed Rockwell to transport him to, and regale him at, its Bahamas fishing establishment. Shortly after his return, Currie strongly pushed for Rockwell's Condor missile, which was then in all kinds of technical trouble—but, of course, nothing that a few more millions wouldn't solve.

When this jaunt and its contractual aftermath were made known—not by the Pentagon—something had to be done, and the reprimand and pay docking were applied to Currie's outstretched wrist. But this alumnus of Hughes Aircraft Company, a veteran of the shuttle service between defense industry and the Pentagon that has become the scandalous hallmark of the regime of Deputy Defense Secretary William P. Clements Jr., was not long in Coventry. Clements erased the shame by promoting Currie from mere research and engineering responsibility to the job of chief "acquisition executive"

Indigenous Music

In this issue we take pleasure in publishing the first column of a regular series that Nat Hentoff will contribute to *The Nation* on nonclassical music. Mr. Hentoff's by-line will be known to many of our readers. His books on music include *Jazz Life* (Dial Press) and *Jazz Is . . .* (Ridge Press/Random House). He also writes frequently on civil liberties, education and politics.

of the Defense Department.

The New York Times found out about this promotion (June 5) and revealed its sinuous ins and outs. They included an effort to keep it secret and threats to probing Senators (particularly Missouri's Senator Eagleton) to deprive their states of defense contracts on the Condor program if they didn't stop sniffing around.

So in this tale we have corrupt favor-peddling, cover-up, and economic pressures against a Senator's district, capped by the promotion of the Defense official principally implicated. Is it still possible to "throw the rascals out," or is the military-industrial complex too deeply embedded in all our political institutions?

Power from a Knife

That expediency is what motivates the increasingly vicious and two-faced dictatorship of Indira Gandhi is clear from Kai Bird's article in this issue (see p. 747) and from reports by the respected exile group, Indians for Democracy. Gandhi, understandably chagrined by her inability to check population growth and ease India's miseries, has decided that nothing but compulsory sterilization will do. (Though, presumably, violation of every other standard of human rights will also help.) While her central government recently decided that it was not quite ready to legislate compulsory sterilization, word has gone out that she will smile on state administrations that care to do so. "We simply cannot afford to be a flabby nation," Gandhi said in describing her population control drive—a remark that raises chilling memories of brown-shirted hikers caroling through the Bavarian hills.

Happily, some of Gandhi's methods of making "voluntary" sterilization appeal to the masses are less extreme than throwing men into garbage trucks, holding them down and performing summary operations on them, as was done in Maharashtra last January. On May 2 *The New York Times* reported these incidents: "A municipal bulldozer knocks down a slum resident's shack, and as he surveys the rubble, he is told that he can have a clean new house on a bigger plot in the suburbs if he will undergo a vasectomy. . . . An illiterate servant, called to a meeting at his children's school, comes home fearing that if he does not get himself sterilized, the school will stop his son's education, which he prizes."

Population control is urgently needed in India, so it can be argued that Gandhi's campaign is an unpleasant but unavoidable expedient. In fact, many Indians do so argue—which opens a deeper level of expediency. Kai Bird points out that the sterilization program will gather

power to the bureaucracy—controlled by Gandhi's Congress Party—and will win support from elites who think the time has come for final solutions (and who will no doubt be least affected by them). Though many studies have shown that the best way to control population growth is to raise the standard of living, Gandhi apparently has abandoned all hope in that approach. And her commitment to the people's welfare should be judged in light of the widespread torture being carried out by her minions under the state of emergency. Thus Gandhi's sterilization drive must be seen for what it is: simply part of her attempt to remain in power, and to preserve an economic setup that she repeatedly, hypocritically and correctly proclaims to be a disaster.

Time Is the Scoundrel

In *Scoundrel Time*, a fascinating memoir of an encounter with Congressional inquisitors in the 1950s, Lillian Hellman shrewdly observes that "we are a people who do not remember much"—and then proceeds to prove her point by forgetting some things she might have been expected to remember. In fairness it should be pointed out that Miss Hellman is at some pains to say that she is not an historian—it isn't her "game" she tells us—and that she has merely written her own history of the time. She feels, with justification, that intellectuals, particularly liberals and radicals, should have had nothing to do with "the sly, miserable methods of McCarthy," but, as she angrily notes, only "very few" protested and she mentions none that did. "Certainly the good magazines," she writes, "the ones that published the most serious writers, should have come to the aid of those who were persecuted." Two magazines are singled out for special comment. *Partisan Review* "made no protest when people in this country were jailed or ruined . . . *Commentary* didn't do anything."

Now *Partisan Review* and *Commentary* are, in her view, good magazines and Miss Hellman is properly indignant that they did not come to the aid of American intellectuals, and other Americans for that matter, who were being persecuted by the witch hunters. But in her annoyance with them she creates the impression of having forgotten that there were other magazines, including those that publish "the most serious writers," which took quite a different position. She would, of course, concede that these exceptions did exist but she has forgotten to mention them or did not think the point worth making. Either way, past and present editors at *The Nation* know Miss Hellman too well to feel offended. But in the context of today's opinion it is worth noting that even the victims of injustice tend to forget the names of those who defended them in that unhappy far-off "Scoundrel Time." And if they forget, then is it surprising, as Edward B. Fiske, education editor of *The New York Times* recently reminded us (May 9), that history has little meaning for the "now" generation?

Perhaps because he is an historian as well as an editor and critic, Irving Howe playfully observed in an interview last winter (*The New York Times*, February 16) that both his children have "an historical imagination. They can even think back as far as me!" He is indeed

fortunate, in these forgetful times, to have such precocious progeny. To the victims it may seem incredible that McCarthyism is already such a vague reference to the new generation, but that is only another reason for trying to keep the record straight. True, Miss Hellman is not an historian but *Scoundrel Time* is now part of history and what she has forgotten or chooses not to mention is important to those who care about history—i.e., to those

who have longer memories than most of their countrymen. At first we thought of sending her a faded copy of a special issue of *The Nation*, "How Free Is Free?" June 28, 1952, along with a bibliography of *Nation* articles and editorials dealing with McCarthyism, but then realized that it would not be necessary and might seem impertinent. Once reminded, she will remember.

CAREY MCWILLIAMS

BIG STICKS AND BIG MOUTHS

MICHAEL REISMAN

If the covert operation was Nixon's hallmark, overt threats of force are emerging as a characteristic diplomatic style of the Ford administration. In late 1974, Mr. Ford and Mr. Kissinger threatened OPEC countries with coercive responses if oil prices were raised. The orchestrated ensemble of administration voices created the impression, here and abroad, that a Persian Gulf invasion was under contemplation. Last year, Mr. Ford and Mr. Schlesinger took pains to convey the formerly incredible idea that the United States might be willing to use nuclear weapons, to use them first, and to use them against states which do not themselves possess such weapons. This spring it became Mr. Kissinger's turn to issue ominous threats against Cuba while the Executive's trickle apparatus leaked hints of blockade and invasion to the media.

There is a crypto-rationality in the decision making of modern bureaucracies, and this government thinks there is special virtue in being "tough" and "realistic." Presumably, some administration strategists have concluded that short-run gains may be had by playing bully in the global village. The Arabs, as people have been saying for years, understand only force. (Arabs, of course, say the same thing about the Israelis and us, and have picked up a good deal of evidence recently to support their view.) As for the North Koreans, the Cubans and their supporters, they might draw wrong conclusions from the U.S. defeat in Indochina, domestic economic difficulties, the U.S. Constitution and the War Powers Act. Hence, the policies of big sticks and big mouths. For the politician interested in winning elections, muscle flexing may also help domestic political ratings. Post-Mayagüez polls indicated that the jingoes of Ford's erstwhile constituency appreciated it. With Ronald Reagan gunslinging on the Right, it's ever more important to look and talk tough. And, hell, it is *fun*! According to all photographic evidence, Ford and Kissinger got quite a kick out of the Mayagüez incident, though so ill-designed and executed a raid, which lost more than it saved, should have elicited resignations rather than toasts.

Power is a critical component in international relations. Obviously, adversaries will devise their own programs and strategies by calculating our power and our willingness to use it. Accurate assessments stabilize things by deterring "adventures." It is greatly to our interest that our vital needs and capacities be taken seriously, but it is

equally important to us that others understand our restraint and commitment to the minimization of violence. The international system depends on both of these expectations. It provides many ways to communicate forceful intentions without grandstanding: diplomatic notes, quiet affirmations of interest, foreign bases, movements of fleets, etc. But too much of such communication can itself threaten order. Hence the system also tries to set restraints. The United Nations Charter prohibits "the threat" as well as the use of force, and international custom has outlawed warmongering.

All this may not mean much in Washington; last September, in an affirmation of patriotism, Gerald Ford stated *ex cathedra* his willingness to disregard international law if he concludes that an act is in "the best interests of the countries involved." The point that must be impressed on Ford and Kissinger is our compelling national interest in a system of minimum world order and the dangers their blustering poses to it.

Words are not cheap; they may provide momentary catharsis to the speaker, but they shape others' expectations and world view. Saber rattling may sometimes deter, but it also raises the general expectation of violence, weakening any legal and cultural restraints that may have been established. Whatever the justification, others quickly follow suit. "What is this day supported by precedent," Tacitus counseled, "will hereafter become a precedent." Escalated rhetoric confirms an adversary's most dire visions and brings to the fore more extreme leadership. At home, it confirms the simplistic view that complex problems can be solved by force and chills potentialities for accommodation. Statements of intentions to use atomic weapons, particularly against nonnuclear states, can only frustrate policies of nonproliferation and strengthen those elements in smaller states that are urging acquisition of a nuclear capacity. Don't think for a moment Pyongyang was the only capital to note Schlesinger's unfortunate threat. Threats to use force against Cuba, when it is clear that the United States is politically unable to do so, only weaken our image abroad.

At times, firm intentions must be conveyed to an adversary. But there is a price for such communications, and it must be carefully considered. The medium chosen is as important as the message. The Ford administration is threatening too much and in the wrong way, undermining a fragile web of reciprocal restraints and thus eroding the system of world order which is the real hope for security. Even more destructive, it is—like the boy who cried wolf—depreciating the value of our warnings.

Michael Reisman, a professor of law at the Yale Law School, is the author of *The Art of the Possible: Diplomatic Alternatives in the Middle East* (Princeton University Press).

THE PERVERTED GRAND JURIES

SAM PIZZIGATI

Washington

A year and a half ago John Swainson and Jill Raymond were two people with very little in common. Swainson, a popular Michigan liberal with war hero credentials, was a Justice of the state Supreme Court. Michigan's last Democratic Governor, Swainson had led all party vote getters in his 1970 court race and was widely tabbed as a possible successor to U.S. Sen. Philip Hart. Raymond, an unemployed 23-year-old University of Kentucky graduate, was a busy activist in Lexington socialist-feminist circles. She was thinking of moving to Washington to become involved in more nationally oriented political work.

Today, Swainson's career is in a shambles. Found guilty of lying to hide a bribe that a jury decided had never existed, he resigned from the Michigan Supreme Court in disgrace last November. Raymond did move—to behind bars. Although never charged, tried or convicted of a crime, her once robust spirit has been physically and psychologically drained by fourteen months in Kentucky county jails. (See "Jill Raymond Waits It Out" by Michael J. Kirkhorn, *The Nation*, February 28.)

Swainson and Raymond are among the latest casualties of the modern federal grand jury, a little-understood institution which the Nixon administration distorted to be a legal loophole in the Bill of Rights. Nixon's manipulation of the grand jury process to persecute his political enemies may not have gone unnoticed,* but it did go unchecked. The United States Supreme Court has repeatedly either ignored or applauded the perverse precedents that the Nixon-Mitchell Justice Department set in grand jury chambers across the country.

Now it's Congress' turn to try to come to grips with the corruption of the Nixon's grand jury system. On June 10, a House Judiciary subcommittee chaired by Rep. Joshua Eilberg (D., Pa.) began hearings on a growing stack of grand jury reform bills that have been placed before it. There will be, or at least should be, a sense of immediacy to the subcommittee's deliberations. The Nixon gang may have left the scene, but the grand jury tactics and strategies they perfected have hardened into Justice Department standard operating procedure. The cases of John Swainson and Jill Raymond make that plain.

Justice Swainson's ordeal began, unbeknownst to him, in 1972, when a Detroit burglar tried to bargain himself out of his latest legal difficulty by charging that his bail bondsman had plugged Swainson into a bribery network.

* Frank Donner's *Nation* articles—"The Grand Jury Network" with Eugene Cerruti (January 3, 1972) and "Kangaroo Grand Juries" with Richard Lavine (November 19, 1973)—remain the definitive descriptions of the Nixon administration's campaign of grand jury terror against Left groups and personalities between 1970 and 1973.

Mitchell's Justice Department, seeing a golden opportunity to derail an up-and-coming Democratic rival, jumped into the case. The burglar was wired, surveillance staked out and phones tapped.

All for naught. While the government easily gathered evidence to show that the bondsman was indeed shaking the burglar down for money to bribe Swainson, there was no evidence to show that Swainson knew anything about the scheme. In the absence of evidence, the case against the Supreme Court Justice fell dormant.

Then, early in 1975, the Justice Department appointed a new prosecutor to head the Detroit Organized Crime Strike Force, a youthful zealot named Robert Ozer. ("In this job," he says, "you have to be like a Panzer division.") At a workshop for prosecutors held not long before he came to Detroit, Ozer had, according to *Newsweek* reports, boasted of his "investigation by terrorism" prosecutorial strategy. Until then Ozer's terrorism had been used against run-of-the-mill mobsters. In Michigan he went after a more challenging target: Supreme Court Justice Swainson.

Within months after Ozer arrived in Detroit, the three-year-old accusations against Swainson burst into newspaper headlines. In April 1975, the local U.S. Attorney told reporters that a grand jury was investigating a \$40,000 bribe to Swainson. In May, Swainson himself was called before the grand jury, and columnists started writing off his political future, a trend Ozer helped along by predicting that Swainson would be indicted. Some six weeks later Swainson was indicted—for bribery conspiracy and, unexpectedly, perjury, before the grand jury.

When that trial got underway last October, it soon became clear that Ozer had found no new evidence to freshen up the stale bribery allegations against Swainson. The jury acquitted the Justice on the bribery charge. The perjury was a more complicated matter.

Ozer charged that Justice Swainson had lied three times before the grand jury, twice when he said he couldn't recall conversations with the accused bondsman held several years earlier, and once when he denied receiving a TV set from the same man in 1973.

As it turned out, Swainson was mistaken about the TV set, as Ozer probably figured he would be. An FBI agent had observed the Justice receiving it from the bondsman. The set, however, was a gift from a close friend of Swainson; the bondsman, a mutual acquaintance, was merely delivering it. When Ozer, wording his question carefully, asked Swainson if he had "received" a television set from the bondsman, the Justice understandably felt that Ozer was asking whether the bondsman had tried to bribe him. The bondsman hadn't, and Swainson said so.

Sam Pizzigati, former editor of the Newfield (N.Y.) News, is co-director of the Washington-based Coalition to End Grand Jury Abuse.

In the context of a well-publicized bribery investigation, Swainson's denial was, at worst, a misunderstanding, certainly not a willful lie for corrupt purposes that would constitute perjury. In any case, Swainson, as soon as he understood his confusion over Ozer's TV question, returned to the grand jury and explained his answer. That should have ended all thoughts of a perjury indictment. Under the perjury statute specifically applicable to grand jury proceedings, a witness who "recants" quickly is not subject to perjury charges. But there is also on the books an older perjury statute that has no recantation clause. Ozer used this law to get the perjury indictment against Swainson.

This clever grand jury maneuvering won Ozer a conviction and cost Swainson a career. The trial jury found the Justice guilty of perjury, perhaps assuming that the government wouldn't waste three years investigating someone if he wasn't guilty of something. In actuality, Swainson was guilty of no crime. His only indiscretion was answering questions inside the grand jury chamber.

"Because of the misuse of the grand jury," Swainson wrote shortly before his resignation from the bench, "I have been publicly humiliated and financially ruined."

It was the FBI, not an overambitious prosecutor, that started Jill Raymond's grand jury nightmare. In January 1975, a swarm of FBI agents swooped down upon the feminist and lesbian communities of Lexington, Ky. The agents were looking for Susan Saxe and Katherine Power, two fugitives indicted for an SLA-style 1970 bank robbery-murder. On a tip from a Lexington man that the two fugitives had recently spent time in local feminist-lesbian circles under assumed names, the FBI began an intensive search. Raymond was one of more than forty people approached.

"When the FBI first came to my house, the most threatening thing to me was their encroachment on my personal relationships," she remembers. "They said that two people whom I cared about very much were wanted by the FBI, and they wanted me to give information about them. I had no reason to believe that was true except that the FBI told me it was, and they wanted me to tell them things about my friends."

Raymond didn't talk, and she was perfectly within her rights. No American legally has to answer FBI questions. The FBI, though, was unhappy with Raymond's attitude, and its agents increased their pressure by bothering her friends and relatives. "They even frightened my grandmother in Cleveland," Raymond says.

The bureau's tactics only strengthened Raymond's resolve not to cooperate with what she increasingly came to see as a punitive FBI fishing expedition into radical aspects of the feminist movement. Finally, the FBI played its trump card. Raymond and five others who also refused to answer FBI questions were subpoenaed before a federal grand jury.

Inside the grand jury chamber, all six invoked the Fifth Amendment. While they were quite willing to state openly outside the grand jury chamber that they knew nothing about the whereabouts of the two fugitives, they steadfastly refused to let the prosecutorial-FBI team

traipse through their lives in the grand jury chamber. The government responded by pressing "grants" of immunity on the six and demanding their testimony. When they continued their silence, they were ordered to a Kentucky county jail so unfit for long-term prisoners, especially women, that all but Raymond relented and agreed to testify before the grand jury. The five witnesses told the grand jury exactly what the prosecutor already knew that they knew: nothing. Amazingly, the government still refused to release Raymond. "Even if I had known anything," remarked Raymond from prison some weeks later, "by now it would be outdated."

The government apparently disagreed. It kept Raymond behind bars for nearly fourteen months, not releasing her until midnight, May 3, technically the last minute of the grand jury's term in whose name she had been confined.

"The government may have been able to hold our sister Jill for fourteen months," a spokesperson for the Jill Raymond Defense Committee told a Lexington press conference the next day, "but it was totally unable to hide its spiteful, repressive, police-state tactics from the view of the people."

Phrases similar to "spiteful, repressive, police-state tactics" are likely to abound at the current Eilberg Judiciary subcommittee hearings. Over the past two years, grand jury witch hunts have outraged activists in the feminist, Native American, Chicano and Puerto Rican independence movements. Grand juries have drawn striking workers off picket lines, ordered defense attorneys to divulge information about their clients, fronted for the FBI, and stunted First Amendment rights to free press and expression.

Such conduct is light-years away from what the framers of the Bill of Rights had in mind when they wrote the grand jury into the Fifth Amendment in 1789. The Revolutionary generation saw the grand jury as an independent community panel that would shield citizens from arbitrary government power, both by preventing malicious or overzealous prosecutors from bringing an accused to trial on flimsy evidence and by investigating official malfeasance.

"The trust reposed in grand juries is of great and general concernment," wrote James Wilson, one of the first Supreme Court Justices. "To them is committed the custody of the portals of the law, that into the hallowed domain no injustice may be permitted to enter."

Others, unfortunately, did not share this view of the grand jury. In the 1790s, Federalist judges pressured grand juries to return indictments against supporters of Thomas Jefferson. A few years later, when he became President, Jefferson ignored the decisions of two grand juries which had refused to indict Jefferson's archenemy, Aaron Burr, and had a third grand jury convened for the purpose in Virginia, where it could be packed with Jeffersonians. Predictably, it returned the indictment Jefferson so desperately wanted. Burr was later acquitted.

From these inauspicious beginnings, it was mostly downhill for the grand jury. Instead of being vigilant watchdogs of prosecutorial conduct, the typical grand jury

meekly rubber-stamped decisions prosecutors had already reached. In volatile times those in power counted on pliant grand juries to return trumped-up indictments against their enemies and scapegoats; in quieter days many prosecutors saw the grand jury as a time-consuming bore. And forty-five years ago a blue-ribbon Presidential commission recommended junking the institution altogether.

By the 1960s, though, a number of prosecutors had begun seeing the grand jury in a much different light. Frustrated by their inability to railroad into prison people whom they felt were obvious criminals, Justice Department prosecutors realized that, by using the grand jury, they could sidestep bothersome constitutional safeguards and maneuver their targets behind bars without having to "prove" them guilty of a specific crime. The key case involved Sam Giancana, the CIA-connected mobster who was murdered last year. In 1965, federal prosecutors surprised Giancana with a grant of immunity, then brought him before a federal grand jury and asked questions the prosecutors knew he wouldn't answer. When he stood silent, Giancana was jailed for contempt. His imprisonment might have lasted indefinitely if higher authorities in the Justice Department hadn't vetoed a move to subpoena Giancana before a second grand jury when the term of the first expired.

The possibilities opened up by the Giancana case intrigued prosecutors, but they didn't start a trend because the immunity statutes then available to prosecutors were applicable only in certain kinds of criminal cases. Richard Nixon soon changed all that.

Immunity had achieved its first toehold in the criminal code in 1954 during the hysteria over "Fifth Amendment Communists." In 1970 the Nixon administration parlayed the fear of crime it had been fanning into legislation that unleashed the full potential of the immunity weapon. The Organized Crime Control Act applied immunity to any criminal code offense and gave the authority to approve immunity grants, which had resided with the courts, to the Attorney General. The Act also changed the character of immunity. The immunity enacted in 1954 had been *transactional*. That is, once immunized, a witness could never be prosecuted on the subject of the testimony given (except for perjury). The 1970 Act substituted for this relatively complete immunity a partial form called *use immunity*, under which witnesses could be forced to testify, then prosecuted for the events they described. The Act prohibits the prosecutor from using the witness' own testimony or the fruits of it in any subsequent prosecution, but in practice, there is no way a witness can prevent an adept prosecutor from cheating. In many situations, prosecutors needn't even cheat to prosecute a use-immunized witness. By calling two associated suspects before a grand jury, immunizing both and forcing each to testify against the other, a prosecutor can get the indictments he wants. So much for the Fifth Amendment.

Nixon's Organized Crime Control Act, dubbed by constitutional scholar Leonard Levy a "salvo of fragmentation grenades that missed their targets and exploded

against the Bill of Rights," also centralized control over federal grand jury work in Washington. The Act allowed the Justice Department to by-pass local U.S. Attorneys (and their possibly obstructive grand jury scruples) and set up special grand juries wherever and whenever the Attorney General pleased.

Armed with these new grand jury powers, the department, through its beefed-up Internal Security Division, opened in 1970 a grand jury offensive, not against organized crime but against the political enemies of the Nixon administration. In scores of cities the department used grand juries to fill intelligence dossiers on activist citizens, force them to testify about their political work and acquaintances, and jail them if they refused. Reporters and scholars were summoned before grand juries to disclose their confidential sources. Subpoena dragnets were used to bolster prosecutions the government had hastily and improperly brought to trial.

When prosecutors dragged five New York City Irish-Americans down to a Fort Worth grand jury and jailed them when they refused to answer questions about gun-running to Northern Ireland, Congress finally took notice of what was happening. A 1973 Eilberg Judiciary subcommittee held a one-day hearing on the affair, which produced pages of angry denunciations of the Justice Department's grand jury strategies from a host of Congressional figures, but nothing of legislative significance.

This time around subcommittee Chairman Eilberg is aiming for more substantive results. It won't be easy, since the Justice Department can be counted on to try to gut any significant reforms. Naturally enough: the grand jury chamber, thanks to the Organized Crime Control Act and subsequent Supreme Court decisions, has become a playground for prosecutors. There is very little a prosecutor can't do inside a grand jury chamber and very little his witnesses can do to stop him.

Prosecutors, for instance, can use the grand jury to subpoena anyone from anywhere at anytime and for any reason. Once prosecutors get witnesses inside the grand jury room, they can grill them on any subject, no matter how private. They can badger the witness and not worry that their conduct will later be rebuked by a reviewing magistrate, since no rule calls for records to be kept of grand jury proceedings. The Fifth Amendment is no protection for a harassed witness for, as we have seen, immunization reduces that right to a paper privilege.

The grand jurors themselves provide witnesses little protection from marauding prosecutors. If jurors should become outraged by a prosecutor's conduct, he can simply dismiss the jury and convene another. But grand jurors rarely feel called upon, or are able to challenge prosecutors, since the only information they receive is what a prosecutor wants to give them. A prosecutor can withhold evidence that would contradict the impression he wants to make on a grand jury and buttress his conclusions with evidence inadmissible in a court of law—hearsay, for example, or material illegally seized from a person's home.

The one person who might be able to challenge a prosecutor's conduct effectively—the witness's attorney—

is not allowed inside the grand jury chamber. The lawyer must wait outside the grand jury chamber, and the witness must ask permission to go outside for consultation. Prosecutors have been known to ridicule, even lie to, witnesses who try to leave the chamber to see their counsel.

Now before Congress are a variety of omnibus and narrower reform bills that try to restore some semblance of the Bill of Rights to the grand jury chamber. The basic draft is Representative Eilberg's H.R. 1277, a solid bill that will serve as the framework for whatever grand jury legislation emerges from his Judiciary subcommittee's deliberations. The Eilberg bill gives grand jury witnesses the right to know the subject of a grand jury inquiry, to have their counsel present inside the grand jury chamber, adequate time to prepare for appearances, and access to transcripts of their testimony.

As for immunity, the linchpin in the Justice Department's past and present inquisitorial escapades, H.R. 1277 replaces use immunity with the older, transactional form. Eilberg's bill stipulates that immunized witnesses found in contempt could be jailed for no longer than six months, and no person could be jailed more than once for refusing to answer the same questions.

The strongest grand jury reform proposal, H.R. 11660, is a technical revision of H.R. 2986, the Grand Jury Reform Act of 1975, a far-reaching bill introduced by Rep. John Conyers (D., Mich.) and co-sponsored by twenty-four of his colleagues. Conyers's bill would extend more protections to witnesses than Eilberg's, enabling witnesses to ask the courts to dismiss subpoenas that are either punitive, unreasonable or intended to secure evidence for the trial of a person already under indictment. The bill also makes a prosecutor's withholding of exculpatory evidence from a grand jury ground for dismissing an indictment and prohibits the confining of witnesses who refuse to answer questions that violate their constitutional rights. On immunity, the Conyers bill, and a related bill introduced by Rep. Robert Drinan (D., Mass.) abolish "forced" immunity. If passed, no witness could be immunized without his or her consent.

But besides protecting the rights of witnesses and accused in the grand jury process, the Conyers bill also attempts to protect the rights of grand jurors. As matters now stand, prosecutors can have witnesses subpoenaed, immunity granted and contempt proceedings begun without the express approval—sometimes even knowledge—of the grand jurors whose powers the prosecutor is exercising. Under the Conyers bill, the majority of grand jurors would have to vote approval before a subpoena

could be issued or any other action taken in the grand jury's name.

On top of that, Conyers proposes that the courts fully inform each incoming set of grand jurors of their power to subpoena witnesses and conduct independent inquiries into government crimes. H.R. 11660 also lets grand jurors dismiss a prosecutor who they feel is hampering their investigation of official misconduct and ask the court to appoint an independent special prosecutor to assist them.

The provisions laid out in the Conyers bill aim at nothing else than the restoration of the grand jury honored by the generation of 1776, a Bicentennial gesture no doubt lost on Department of Justice officials. They see the grand jury as merely a necessary tool for law enforcement. On their own, federal prosecutors and FBI officials are frank to admit, law-enforcement personnel lack the compulsory process authority—subpoena power—necessary to coerce evidence from witnesses who don't want to talk. The grand jury gives them that subpoena power. Cut off their control of the grand jury's subpoena power, their argument goes, and you cripple the war against crime. How can law-enforcement agents force recalcitrant witnesses to cooperate if they can't use the grand jury to do so?

The answer is quite simple: law-enforcement agents are not supposed to be able to force people to talk against their will. Congress has denied the FBI subpoena power, and the courts have ruled it unconstitutional for police or prosecutorial personnel to interrogate citizens in the absence of their attorneys, or to pressure them to give up their Fifth Amendment right to silence. If such activities are wrong in the station house, wrong in a prosecutor's office, why should they be right in the grand jury chamber?

The Justice Department's opposition to reform may be intellectually bankrupt, but it is politically potent. Nixon's grand jury campaign against the Left was, after all, made possible by the overwhelming passage of the Organized Crime Control Act of 1970, and few politicians will risk being labeled "soft on crime."

There is, however, pressure from the reform side. An impressively varied coalition of national organizations, including the National Lawyers Guild, the American Civil Liberties Union, the Amalgamated Meat Cutters and seventeen other bar, labor, civil liberties and religious groups, has been working since mid-1973 to build public understanding of the grand jury process and nudge Congress into action.

The efforts are beginning to pay off. Chances look good that the Eilberg subcommittee, an essentially liberal panel open to serious consideration of reform, will report a decent piece of legislation to the full committee by early fall. On the Senate side, movement has been slower, but last April Sens. James Abourezk (D., S.D.), George McGovern (D., S.D.) and Mike Gravel (D., Alaska) introduced that body's first comprehensive reform bill.

Whether the growing public pressure and legislative interest have forced the Justice Department into a conciliatory mood will soon be apparent. When the Eilberg subcommittee begins its hearings this month, Atty. Gen. Edward Levi will be the first witness. □

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INDIRA GANDHI USES FORCE

KAI BIRD

Bombay

The curtailment of civil liberties in India has taken a startling new form—compulsory sterilization. While the central government's new population-control strategy does not include a compulsory sterilization law, most states are now hastily drafting harsh new laws that make it a criminal offense to have more than three children. But more significant is the fact that physically forced sterilizations already occur in some states with the quiet approval of Prime Minister Indira Gandhi.

Partly in an attempt to justify the ten-month old state of emergency, and partly in order to face up to the country's staggering population problem, Mrs. Gandhi has committed her regime to compulsory sterilizations. Without the emergency, which eliminated what was once a robust free press and imprisoned at least 100,000 political foes of Mrs. Gandhi, forced sterilizations probably could not occur.

In at least one major state—Maharashtra—the country's tediously corrupt bureaucracy is using any means necessary to meet a series of monthly sterilization quotas set by family planning officials. In one well-documented case municipal police in the small town of Barsi (population 60,000) arbitrarily dragged several hundred men off the streets and drove them in two garbage trucks to a local family planning clinic. At the clinic men of all ages and some unmarried men were physically held down and obliged to undergo a vasectomy operation. Most of those picked up were peasants visiting Barsi on market day. At least twenty-five legal complaints have been lodged against the municipal authorities who successfully met their target of 1,000 sterilizations during the week from January 27 to February 3. Some of those sterilized had already undergone the operation. The respected Bombay journal, *Fulcrum*, reported one such case:

Shahu Laxman Ghalake, a poor peasant from Kayhe, said in his complaint that when he was in Barsi on Jan. 31st he was surrounded by about ten people and thrown into a truck. When he asked where he was being taken, he was kicked and beaten. At the hospital when he tried to explain that he had already been sterilized ten to twelve years ago the doctor would not listen. He was held down by two or three people and sterilized once again.

The current sterilization campaign was initiated late last year when Mrs. Gandhi and her 29-year-old son and heir apparent, Sanjay Gandhi, undertook an extensive speaking tour of India. The Prime Minister at that time described the quarter-century-old family planning program as "disappointing." She hinted that some form of compulsion ought to be introduced, to make the program more effective. Sanjay Gandhi is strongly push-

ing the idea in his Youth Congress rallies across the country and the government-controlled press daily prints editorials and articles favoring compulsory sterilization.

Politics in India under the emergency is the politics of "national consensus." So, after three months of media "discussion" on the controversial issue, the union health minister, Dr. Karan Singh, announced that the government's new family planning program would not include a compulsory sterilization law. The Prime Minister was quoted as saying that compulsory sterilization was "a bit drastic." Mrs. Gandhi emerged from the entire campaign looking very rational and humanitarian.

But if no federal law introduces compulsory sterilizations, Mrs. Gandhi is making every effort to have the states enact such laws—a calculated political tactic that pits the various state organizations of the Congress Party against one another. Each state is vigorously competing to produce the toughest and most effective sterilization law. In addition, by making state governments responsible for the new policy, the Prime Minister deflects much of the political heat from herself.

The proposed state laws are shielded from criticism by the simple expedient of having the ministries of information issue "press advices" banning any adverse news concerning incidents of forced sterilizations—as in Barsi. The *Indian Express*, the country's largest circulation newspaper and until three months ago an outspoken critic of the government, attempted to level some indirect criticism at the laws by lauding the Prime Minister's decision not to introduce a nationwide compulsory sterilization bill. The editorial condemned "punitive measures that make more spectacle than sense."

Most state governments have announced their intention to draft compulsory sterilization bills, but the laws will not take effect until nine months after the date of ratification by the state assemblies. All the state laws being considered provide for imprisonment and fines if a couple refuses sterilization after the third child.

The state of Maharashtra will probably have the toughest law; it also has the best organized branch of the Congress Party. One section of the Maharashtra law reportedly forbids people with "communicable diseases" to have any children at all. Imprisonment of up to one year and a fine of at least \$250 await those who refuse to undergo sterilization after the third child. Maharashtra has gone one step further by declaring 1977-78 to be a "babyless year."

All the state laws offer financial incentives for undergoing a sterilization. The new federal law awards 150 rupees (\$16) to the parents of two children, and 100 rupees (\$11) to the parents of three children who consent to the operation. Such volunteers receive an additional average of 50 rupees from their state government.

The incentive system is undoubtedly effective but it also guarantees massive corruption. Not all the money reaches the patient—a portion is set aside for post-operative medicines, and the doctor performing the op-

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Oliphant, *Washington Star*

She Who Rides the Tiger . . .

eration receives an average of 10 rupees per patient. In some states like Maharashtra an additional portion of the award—sometimes as high as 30 per cent—is given to the “motivator” who brought the volunteer in for surgery. Everyone makes money on the operation and it is in everyone’s interest to inflate the number of sterilizations actually performed. Many rural doctors are making fortunes performing sterilizations. The excessive enthusiasm of the Barsi family-planning officials is partly explained by the considerable financial incentives at stake.

Even without punitive laws, the bureaucracy has at its disposal innumerable economic sanctions to compel sterilizations. Delhi municipality, where Sanjay Gandhi is now the dominant decision maker, recently ordered that no new ration cards for milk, sugar, cooking oils or rice be issued to couples with more than two children. Schoolteachers in Delhi had to recruit five sterilization candidates in order to receive their March salaries. Civil servants in the capital no longer qualify for low-cost government housing if they refuse a vasectomy after three children.

Most foreigners are unaware of the immense power wielded by the Indian bureaucracy. Under the state of emergency imposed by Mrs. Gandhi last summer to protect her political career, India has in a sense reverted to a 5,000-year-old heritage of highly centralized imperial rule by means of a far-flung bureaucracy. The British Raj controlled India’s disparate millions only by perfecting an indigenous bureaucracy inherited from the Mogul and Aryan empires.

The Indian bureaucracy exercises considerable control over the daily lives of the vast majority of the country’s 625 million people. An intricate hierarchy of district commissioners, sub-district heads (*talukdars*), district magistrates, and police officers controls the distribution of government-rationed food, collects taxes, issues trading licenses, settles judicial disputes over land tenure, and

administers the education and health services in every town and district of India.

Rajendra Haldar is the *talukdar* of a subdistrict in Maharashtra inhabited by more than 800,000 people. He has slowly worked his way up the bureaucratic ladder in eighteen years of civil service. Haldar is an untouchable—one of 80 million Hindus considered outside the caste system—and under the emergency he is able to hire and promote members of his disadvantaged community. During the last ten months Haldar’s administrative powers have sharply increased. With the state of emergency in place, no judicial appeal exists to question his decisions.

Haldar has seven children and, unlike many other well-educated bureaucrats, he has had a vasectomy. He enthusiastically supports the central government’s campaign to introduce compulsory sterilization. Last March, Haldar required every civil servant under his charge who already had three children to undergo sterilization. To persuade one reluctant accountant in his office, he threatened the man with a charge of embezzlement.

When a block in his subdistrict failed to meet the monthly quota of 150 sterilizations, Haldar withheld March paychecks for government schoolteachers. Within a week enough teachers agreed to undergo the operation to fill the quota. Haldar told me he had prevailed on everyone on his list—except for a number of fishermen who found they were unable to work in the water for a week after the operation. He admitted, however, that he had made his task easier by keeping Muslim couples off the list.

Despite the skepticism of Mrs. Gandhi’s intellectual critics, Maharashtra’s experiment in sterilization suggests that compulsion could work. However grave the infringement on civil liberties, Mrs. Gandhi unquestionably has the power to compel sterilizations and effect a sudden

decline in India's growth rate. She has the will and elitist mental attitude necessary to carry through such a drastic solution to the country's population problem. More important, her political acumen tells her that her government's adoption of compulsory sterilization can only enhance her political stature. This may seem incredible, but it is true for two reasons: one, to carry out measures of compulsory sterilization the bureaucracy must rely on further centralization of political power—and a permanent state of emergency. Two, forced sterilizations appear to many observers to be the only available solution to the population problem. Thus, emergency powers will have to be prolonged if compulsory sterilization is to be feasible—and Mrs. Gandhi is making sure that everyone knows that compulsion is the only solution.

India's efforts at population control during the last twenty-five years have been a dismal failure. While both the infant mortality rate and the birth rate may have declined slightly, the population's growth rate is still at least 2.6 per cent. And despite the "green revolution" in high-yield grains, India is still decades from self-sufficiency. During Mrs. Gandhi's decade in power India's industrial and food production have both increased on an average of less than 3 per cent annually. Since the population has been growing at almost the same rate, India today is no better off economically than when Mrs. Gandhi took office.

This year Mrs. Gandhi's political fortune is on the rise because an excellent monsoon will provide an estimated harvest of 110 million to 114 million tons of grain. By August the country may have accumulated a buffer stock of 13 million tons, but this reserve is thin; it will last only eight to twelve months if the monsoon is a disappointment next summer. Whether inflation can be held in check for another year, and whether an industrial sector teetering on the brink of a serious recession can be revived, depends solely on the weather.

Mrs. Gandhi's opposition, bent on restoring democracy,

is faced with a serious political dilemma. Her opponents fully comprehend that there is little chance of restoring parliamentary democracy once she successfully inaugurates a system of compulsory sterilization. Everyone realizes that forcing sterilization upon the country's rival religious and ethnic sects will require a strong-armed authoritarian government. In the view of many people—and particularly the urban middle class—the Prime Minister's decision to use her emergency powers to attack the birth rate justifies the elimination of civil liberties. Compulsory sterilization is the one step many believe could not have been taken in pre-emergency days.

On this issue the Prime Minister invites her democratic critics to join her "national consensus"—and if they refuse she is willing to wager that they will become even more politically isolated. What frustrates many democrats is that they are not necessarily opposed on principle to compulsory sterilization. But they object to the manner in which it is being inaugurated and the political purpose that lies behind it.

A well-known literary figure in India says, "I don't believe it is a basic right any longer in our society to reproduce. I believe it is possible for a democratic society to legislate limitations on births, just as we legislate laws against industrial pollution. But why now? Why in the middle of our country's greatest political crisis?"

One long-time political foe of Mrs. Gandhi, who refused to allow his name to be published, opposes compulsory population control—but for reasons other than civil liberty. "Compulsory sterilizations cannot possibly be enforced in our society. The laws will only become a tool for political repression of the poor. . . . That the Congress Party now feels it necessary to resort to compulsion only underlines its failure to provide the kind of rural services that really could lower the birth rate—mass health care, education, and agricultural credit for the peasants. Compulsory sterilization is Mrs. Gandhi's substitute for a revolutionary redistribution of wealth." □

LUCEY OF WISCONSIN

HOW ONE GOVERNOR DOES HIS JOB

EUGENE C. HARRINGTON

The "anti-government" rhetoric of this year's politics has been focused on Washington, not yet on the fifty State Houses. If there is really to be a substantial return of the functions of government to more local levels, the states' political and administrative performance will merit a closer look than they generally receive. In this article The Nation takes a look at a Governor who is widely regarded as one of the most competent and effective in the country and examines the problems he and his state face and how they deal with them.

Madison, Wis.

Seated in a corner of his relatively austere office, Patrick J. Lucey, 39th Governor of Wisconsin, met with the press. The informal gathering last December was unusual,

for the Governor and the reporters were probing into the wreckage of one of Lucey's ambitious legislative efforts that had been thwarted the day before in a special session of the legislature. The Democratic-controlled legislature had sharply rebuffed Lucey, also a Democrat, by refusing even to consider his major proposal to reorganize the State Transportation Department and to revise the method of financing state transportation systems.

"Was this the worst defeat you have suffered as Governor?" one reporter asked. "Well, if it was my first defeat, I guess you could say it was my worst," Lucey replied, chuckling. The characteristics of the man and his approaches to governing were largely epitomized

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by the sequence of events that led to the meeting. It had been a typical Lucey performance:

¶ Develop and fervently promote a bill that shows the Governor taking charge of an issue—in this case, leading rather than following public opinion.

¶ Push for legislation because of its need, even though it has stirred substantial opposition.

¶ Place the proposals in a comprehensive bill, rather than attack the problems in piecemeal, separate measures.

¶ If it loses, accept the loss with self-deprecating humor, but begin planning a new approach.

What was uncharacteristic was that Lucey had lost—not, as he said, for the first time—but clearly in the most embarrassing setback of his gubernatorial career. His record in dealing with the legislature since he took office in January 1971, has been one of major accomplishment and upheaval in a state which ranks high in terms of progressive government. During the past five years, largely because of Lucey's boldness, the state has had:

¶ A sharp reversal of inequities in the formulas whereby the state shares taxes with local governments—placing the money where the people are, instead of letting it be siphoned off into "tax islands" that had developed because high-value property or wealthy people were within the municipal boundaries.

¶ The consolidation of two university systems which had been duplicating programs and competing for funds, a merger that some of the original critics now concede has brought economy and efficiency.

¶ A big step toward equality in elementary and secondary education by requiring school districts with high property taxes—the source of state school financing—to share funds with less wealthy districts.

¶ A heavy infusion of state money, by meticulous budgeting and use of federal revenue sharing, to ease property taxes in a high-tax state. By imposing heavier income taxes on corporations and wealthy individuals and by increasing and broadening user fees, the state avoided general income or sales-tax hikes through two successive two-year budget cycles.

¶ An alliance of labor and management to enact substantial tax relief for industry and thus encourage industrial growth and stimulate new jobs.

¶ The development, rare among the states, of a plan for tighter control over where future electric generating plants and transmission lines are to be located.

¶ A stronger open-meeting law, financial disclosure requirements as part of a code of ethics for state officials, campaign finance reform and easier voter registration procedures—all intended to promote confidence in government in the wake of Watergate and to counteract a national denigration of governmental institutions.

¶ A strong consumer protection measure, eliminating abhorrent credit practices and providing closer scrutiny, through state regulatory agencies, of consumer credit transactions.

Not all of these accomplishments were initiated by Lucey, but whether the ideas came from his office or from the legislature, he supported them all strongly and

used various political techniques to get them enacted. That, he thinks, is how a Governor should lead a state.

There had been general agreement in Wisconsin that the formula for sharing taxes was archaic. Funds were being allotted according to where the taxes had been levied. Thus, bedroom suburbs for the wealthy and areas where manufacturing plants or utilities were located received large returns, despite their relatively small populations and lesser need for municipal services.

One small community in northeastern Wisconsin, for instance, received substantial returns from the state, largely because it was the site of a major natural gas pipeline operation. The community set up a municipally operated fund from which college tuition grants were made to the young people of that area. At the same time Milwaukee was struggling to meet the heavy demands for services because of its large population and difficult social problems.

Lucey, of course, recognized the weight of big-city votes in the legislature and appealed to the Milwaukee delegation and its counterparts. But the beneficiaries of the old system, through their representatives, fervently resisted change. A strong debate ensued in the legislature. Lucey overcame the opposition by incorporating the proposed tax-formula changes in the state budget bill, and then letting the lawmakers know that he would veto any budget bill that did not retain them.

He also included the university merger plan in the bill, a provision that appealed to a wider constituency and improved the chances of passage. There were, of course, provincial concerns about keeping a university as it had been, in the legislators' back yards. But, at that time, 1971, the public backlash against campus protests and clashes with the police and concern that faculty members were more involved with research than with teaching, were important selling points.

Lucey's tough stand on the two issues—paid off. The budget bill, normally enacted in the summer, was not approved until October—a delay that brought a steady increase of pressure for operating funds from state agencies and their constituencies. By fall, Lucey had compromised somewhat, but not to the point where the basic goals were lost. And, to get the bill passed, Lucey and his aides would apply pressure on majority Republican Senators, offering them help in the future. One Republican Senator whose vote was critical Lucey later appointed to the bench.

A different technique was used on the school financing change. Lucey frequently resorts to the task-force approach, a device that allows him to send up trial balloons without becoming directly involved. The school-fund proposal came from one such task force and was fortified thereafter by U.S. Supreme Court decisions that equal educational opportunity could not be provided when the property tax was used as the basis for school financing.

To get the change approved—in yet another budget bill—Lucey played on those decisions and on intense public concern over school spending. He took the same "no-retreat" position he had assumed two years earlier,



vetoing separate bills that would delay the start of the program to have the wealthy districts support the less affluent ones. He was helped by the fact that the so-called negative aid concept was to be phased in over ten years, with only nineteen of 416 school districts being immediately affected.

Lowering property taxes is obviously a popular issue and Lucey has exercised great budgetary ingenuity to make it possible. The budget bills he has submitted are carefully constructed, with selective taxes on some special-interest groups and new administrative procedures that have accelerated payments and thus accumulated more interest on funds held by the state. In addition, a number of state agency services that had been financed through taxes are now paid for by the imposition of, or increases in, fees. Lucey has also leaned hard on the Wisconsin office in Washington to capture more federal dollars. At the same time, he has channeled all federal revenue-sharing funds into the new school-aid formula, thus lightening property taxes. He has threatened to reduce the school-aid formula next year if revenue sharing is not continued by the Congress; this puts pressure on the Wisconsin Congressional delegation to battle for extension of the program.

The tax concessions to industry are remarkable in a state where it had been assumed that Democratic Governors were not particularly friendly to the business community. But Lucey—a fiscally conservative Governor when he has to be—saw the advantages of increasing the state's revenue base; at the same time, he helped convince union leaders that business improvements meant more jobs in a period of recession. When Lucey encouraged Republican legislators to take the lead on the propo-

sal, the changes sailed through. Representatives of units of government that lost revenues when the industrial tax base was lowered were too late in their opposition.

Another Lucey approach is to take over some legislation, initiated outside his office, which he feels is needed. He convinces his legislative allies of his interest, promotes the legislation at every opportunity in appearances throughout the state and, when the bills require compromise between opposing interests, insures that his position is known. Democratic legislators took the lead on the power plant and campaign finance reform bills. When opposition developed, they met with opponents to work out compromise legislation. During these negotiations, Lucey's aides were at the legislative elbows, constantly transmitting his views, pro and con, on various provisions. And Lucey spoke publicly on the need to balance future energy needs against possible damage to the environment and appealing to concerns raised by the then recent activities of the Committee to Re-Elect the President.

That approach was evident also in the Wisconsin Consumer Act—the product of intensive negotiations between consumer groups, financial institutions and legislators for more than a year. In the end, Lucey's legal counsel was a key figure in developing legislation which became a model for other states.

The Governor, for the most part, has conducted an open administration, so it was natural for him to support such bills as a tougher open meeting law, the code of ethics and the broadening of voter registration. He was among the early leaders in the call for more responsiveness on the part of government at all levels.

Lucey's success with legislation stems largely from his mastery of various political techniques and his usually perceptive reading of the public mood. He has, in effect, a political tool box from which he draws the specific device for the specific issue. But even more, his success stems from the personal characteristics he brings to the executive office. Few, if any, of his predecessors have attacked the job with as high a degree of intellectual curiosity and hard work. Lucey, now 58, is no backslapper or partygoer, nor is he much interested in the ceremonial trappings of office. He is a quiet man, impelled by an urge to succeed in whatever he does and is committed to learning all he can about the operation of state government. It may be relevant that his academic degree is in philosophy, not business or political science, but he was also a successful real estate man before seeking public office.

He turned to state party work in the late 1940s, helping to bring the Democratic Party out of a decline, slogging through heavy organizational work and fund raising. He became a dominant, forceful party chairman in the late 1950s, when Democratic candidates began surging into command of the state (both U.S. Senators; seven of nine U.S. Representatives; control of all state constitutional offices and a majority in both houses of the legislature by 1975). He was a state Assemblyman in 1949, lost a race for Congress in 1950, served as lieutenant governor under his GOP predecessor, Warren P. Knowles.

Lucey has called legislators into special sessions more

times than any Governor in state history. He loads budget bills with nonbudgetary matters to the point where they creak with the weight. He makes personal appearances at legislative caucuses. He dangles judicial and administrative appointments before eager legislators. He has made a science of the partial veto, getting what he wants by eliminating phrases, words, or even numbers. He once infuriated a Republican attorney general by striking the "2" from a \$25 million appropriation. Lucey, contending he still was right, nevertheless backed off.

His dealings with the state civil service and administrative agencies have been equally aggressive; he insists on increased productivity, a revision of traditional civil service procedures. And, of course, he installs as department heads men and women who share his views.

All of this brings complaints that he is ruthless, scheming, vindictive and a political boss type in a state which has a tradition of no patronage and a repugnance toward political machines. But his friends and foes agree that he is unusually courageous in pushing through his positions, even though it means tackling some of the most powerful lobbyists and special-interest groups in the state.

That quality, plus his years as a demanding, controversial party chairman, has created an impression in the general public that he is a wheeler-dealer, grasping politician. But Lucey offsets this judgment somewhat by his accomplishments and his sensitive appraisal of what the public wants and needs.

He is also lucky to be the first Governor elected to a four-year term in the history of the state. To his credit he saw the advantages and used them, taking the time to get things done, rather than concentrating from the start on re-election. He took office when the economy was strong and the state had a healthy surplus of funds, but he knew how to economize when the slump came and

has helped the state retain its top credit rating in the bond market.

He became Governor when civil unrest had abated on the campuses and in the big cities, and he was not harassed by the need to extinguish fires. He has worked from the start with Democratic Assemblies and in 1974 the Senate became Democratic for the first time in this century. His two Republican opponents for governor have been relatively lackluster and Lucey won by margins of more than 181,000 and 160,000 votes.

That Lucey can fail is evident in the defeat of the transportation bill. In that case, it appears, that he was too far out in front of the people—warning of the dire consequences of letting roads and bridges deteriorate, rail service wither away and city bus systems operate with serious deficits. Appeals to conserve fuel and save the environment by placing less reliance on automobiles met resistance from a car-conditioned society. A split between rural and urban legislators and the proposals to raise additional revenues from heavier fees on vehicles (as the legislature neared an election year) combined to send the bill down to defeat.

He has not succeeded in getting all the reforms that he wants in the prison and welfare systems; he has not managed to put controls on health-care costs; he supports, but has not gotten, a no-fault auto insurance system, and the state has not moved toward the land use and other environmental measures that Lucey backs.

Increasingly, Wisconsin thinks that Lucey will try for a third term, but that may depend on what happens in the Presidential election this year. It will not be easy: Lucey has made enemies and twelve years in office is unprecedented for a Governor of this state (indeed, eight years is unprecedented). However, given his record, the jobs still not finished, and his intense drive to be a dominant figure in Wisconsin politics, Lucey will probably accept the challenge. □

POLITICS AS SPECTACLE

THE LOOMING ONE-PARTY SYSTEM

ALAN WOLFE

While it is not certain who will win the 1976 Presidential nominations, it is fairly clear who will lose. The losers will be the political parties themselves, for the current primary campaigns and political maneuverings have demonstrated as never before the irrelevance of the party process to the political crises facing the United States. At a time when the economy is perplexed by structural contradictions of the first magnitude, when the world political order is going through its most substantial changes since the end of World War II, and when even the continued existence of the planet is to many an open question, candidates who address the issues least succeed the most, those poorest in ideas are richest in funds, and those who most convincingly express their

detestation of Washington are bound to wind up living there. It almost seems that two worlds are operating simultaneously: one, the real world, where desperation, complexity and hope motivate people and events; and the other, the world of the parties, where blandness, reassurance and an underlying contempt for people and their lives become the governing principles. As the gulf between these worlds expands, the relevance of the party system contracts. The most important question becomes not who will survive the party process but whether the party process will survive.

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The most significant signposts indicating the eclipse of the party system in the United States would seem to be the following:

¶ A drastic erosion of public support for the institution of parties. Nearly all samplings of public opinion on the question show a sharp drop in general respect for the party system over the past ten years. To the proposition, "It would be better if, in all elections, we put no party labels on the ballot," 68 per cent answered in 1964 that labels should remain, compared with only 39 per cent in 1974. A Gallup poll which asked people whether they vote for the man or for the party elicited percentages for the latter which dropped from 22 per cent in 1956 to 12 per cent in 1968. Whereas 41 per cent of the American people felt in 1964 that the parties help a good deal to make the government pay attention to the people, only 27 per cent were of that opinion in 1972. Moreover, most surveys showed that on balance younger people criticized parties in 1974, though they were more accepting of them in 1964. It would seem that the future generation of adults will be even more distrustful of parties than is the current one. Commenting on these figures, political scientist Jack Dennis was blunt: "What we have found is that the American party system has undergone a marked erosion of its legitimacy among members of the mass public in the past ten to fifteen years. In several respects such support has moved to dangerously low levels. . . . The evidence for recent party system delegitimation in America is therefore overwhelming."

¶ A dramatic increase in the number of people who will not affiliate with one party or the other. It is widely known that in 1972 more people considered themselves independents than Republicans; what is not well known, but far more significant, is that among young voters—again the next generation of citizens—more people said they were independents than Republicans and Democrats combined. In other words, it is not a party but the party system itself that appears incapable of winning mass support. Voter turnout in the past ten years has dropped 8 per cent; people who in polls strongly identify with one party or the other is off from 77 per cent in 1964 to 64 per cent in 1974; and the percentage of voters who cast straight-party ballots dropped from 80 per cent in 1950 to 50 per cent in 1970 and may drop even more in the confused 1976 state and local races. In 1972 the voters of the United States gave the Republicans a landslide victory in the Presidential election and the Democrats an equally lopsided triumph in the Congressional races. It seems clear that the phenomenon of intense party loyalty is, like back issues of *Look*, a nostalgic reminiscence and not a guide to everyday life.

¶ The increasing popularity of the notion that the government itself should finance elections. Italy and Germany have recently adopted proposals for government subsidies of election campaigns, and 1976 was the year of "campaign finance reform" in the United States, even though the Supreme Court undermined the new legislation with a paralyzing interpretation midway through the primary elections. Whatever the resolution of this situation, the decline in popular support for the parties has led politicians to consider using public money to

finance their own elections. In the 19th century, political machines kept themselves in business by "requesting" contributions from workers on payday. More sophisticated modern versions of this practice are not much better, for in both cases the fact remains that if people wanted to contribute, they would. It is because parties can no longer support themselves that, like the Lockheed Corporation or New York City, they ask the government to do it for them. But, unlike Lockheed or New York, the bankruptcy of the parties is as ideological as it is financial. Campaign finance "reform" is a response to the growing illegitimacy of the party system.

¶ The triumph of the anti-political politician. One of the secrets of the longevity of the traditional party system was its usefulness as a career ladder for aspiring politicians. Those who played the game by the rules, who put allegiance to the party above all else, would in the end be rewarded with a nomination to public office. Political advancement is no longer based on party loyalty. In the Democratic Party, the Carter success and the Jerry Brown phenomenon both demonstrate a new method for getting ahead without using the traditional power bases of the party, while in the Republican Party, a challenge from the Right stubbornly refused to expire. Ronald Reagan—who in previous years invented the "Eleventh Commandment" that one should never speak ill of a fellow Republican—has become increasingly shrill against a man who is not only leader of his party but also President of his country. Candidates who once relied on parties now rely on television and other methods beyond partisan control. In other words, the decay of the party system is expressed by the willingness of serious candidates for high office to ignore, even to attack, the traditional conduct of party business.

The combined effect of trends such as these has led a number of thoughtful observers to conclude that the party system is in serious trouble. For example, the views of Walter Dean Burnham, political science professor at M.I.T., deserve careful attention. Burnham has uncovered some fascinating historical patterns in the way Americans vote. Every thirty-six or forty years, he finds, the American electorate has undergone a fundamental realignment: the Jacksonian revolution, the post-Civil War settlement, the Republican ascendancy of 1896, the New Deal of 1932-36. Yet each one, Burnham also suggests, advanced a process of party "decomposition," for each new alignment has had less relevance for the average voter and citizen. Putting these two notions together, it would seem that a new realignment is now overdue and that it will be one in which the party system decomposes even faster. Hence Burnham, who in the past rarely sounded apocalyptic, concludes a recent analysis in surprisingly strong terms:

The American electorate is now deep into the most sweeping behavioral transformation since the Civil War. It is in the midst of a critical realignment of a radically different kind from all others in American electoral history. This critical realignment, instead of being channeled through partisan voting behavior as in the past, is cutting across older partisan linkages between rulers and ruled. The direct consequence of this is an astonishingly rapid dissolution of the political party as an effective "guide" or intervenor between the voter

and the objects of his vote at the polls. . . . This is a realignment whose essence is the end of two-party politics in the traditional understanding.

Facing the brink, some political scientists—Samuel Huntington, for one—are asking if “democratic government [is] possible without political parties.” In short, the decline of the party system poses some fundamental questions about how liberal-democratic, capitalist societies are organized and what their political future is likely to be.

Why are the dominant political questions of 1976 being fought out, not between the parties but over them? What has caused the growing illegitimacy of the party system which threatens to end party government in America? The answer to such questions lies in a major transformation in the expectations and functions of parties which goes to the root of the economic and political organization of American society.

In theory, political parties are expected to serve as a mediating mechanism between the individual and the state. Parties are supposed to articulate the demands of the citizen, gathering them up like so many pebbles, sifting out the ones which are considered too rough, passing the smooth ones on to where they will help build up the feeling that government responds to the needs of the ordinary citizen. If parties were not involved in such a legitimating procedure, it would be difficult, if not impossible, to view the decisions of the state as fair and therefore as acceptable. Parties also operate by communicating downward. The party in power organizes votes in the legislature so that laws can be passed which work to the benefit of whoever controls the state.

In this sense, parties have played a major role in expressing the desires of various social classes. The rising industrialists of the 19th century found the existing party system unsuitable to their need to accumulate, and so formed their own. Working-class parties, in turn, have found that only by organizing themselves defensively could they prevent dominant classes from using the state for their special needs. In other words, the two tasks of the party require contradictory expectations. In order to serve as a vehicle for legitimation, the party must appear to be universal and fair; but in order to articulate the demands of a class, the party must appeal to private, immediate interests. Policies which serve one of these needs generally contradict the other. In a capitalist society, particularly, parties are constantly looking for a way to resolve the contradiction between their role in accumulation—governing in the interest of the classes which finance and support them—and their role in legitimation—appearing as the spokesmen for all of society.

Keeping the contradictory tasks in balance has never been easy. In the 19th century, as industrialists fought for control of the state, they found that organizing themselves into a party served to put forward their needs as a class. Precisely because control over the government had to be won in a bitter struggle—both with the forces of an older society on the Right and the seeds of a new one on the Left—parties served as a mobilizing, dynamic force, whereby the industrialists became politicized. This was bound to unleash a substantial energy throughout the political system; one indication of the importance of party politics to middle-class life was the fact that 13 per cent

of all registered Republican voters actually visited the home of the Republican candidate for President in 1896. At the same time, the ascendancy of the Republican Party as the voice of the capitalist class made it essential for small farmers and workers to express their demands as well. The Democratic Party organizations in the cities, however corrupt they may have been, incorporated the working class into political life. In rural areas, despite difficulties of travel, voter turnout was high, attendance at political rallies was taken seriously, and party identification was indelibly stamped on the minds of most citizens. Even dissenting groups felt the urge to create parties. Socialists in New York and Wisconsin organized neighborhoods to compete with the Democrats, and in many cases their methods of organization became models which the established parties tried to mimic. The result was that the 19th-century party system was intensely felt by all classes; the election of 1896, in which contrasting conceptions of class and capitalism were bitterly fought out in a Presidential campaign, constitutes the high-water mark of active party politics in the United States. In this early period, the mobilizing, legitimizing aspects of the party took precedence because control over the state had not yet been determined.

With the election of McKinley in 1896 and then the triumph of what James Weinstein has called corporate liberalism under Theodore Roosevelt and Wilson, the nature of the party system underwent substantial change. Once in control of the state, capitalists found the mobilizing, energizing aspects of party life counterproductive to their purposes, and mounted an organized campaign to take the spirit out of the system. Their most clear-cut strategy involved the reforms of the progressive period—direct primaries, convention reform, initiative, referendums, recalls—all of which contributed to the demise of an active role for parties in the everyday lives of citizens. The tradition of urban municipal reform, which sought to eliminate both corruption and working-class militancy, transformed the political system according to the same principles by which the corporate order was being revised. Just as unruly workers and excessively rapacious businessmen were both bad for an ordered system of business affairs, political parties and their accompanying democratic surges would harm a stabilized, well-regulated political world. Historian Samuel Hayes has pointed out that the “movement for political reform was an attack on the entire party system as it had developed in the 19th century, a rejection of community involvement in decision making, and a demand that public discussion be made through mechanisms other than the political party. It stemmed from fear of rather than faith in community political impulses.” Between parties which were politicized, activist, local and colorful, and business corporations which were impersonal, passive, national and routinized, the choice was clear. Hayes continues: “The reformer’s model was the business corporation, not the political party.”

This attack on the political character of the parties shifted the balance between the party’s two tasks. Instead of primary weight being given to the mobilizing, legitimiz-

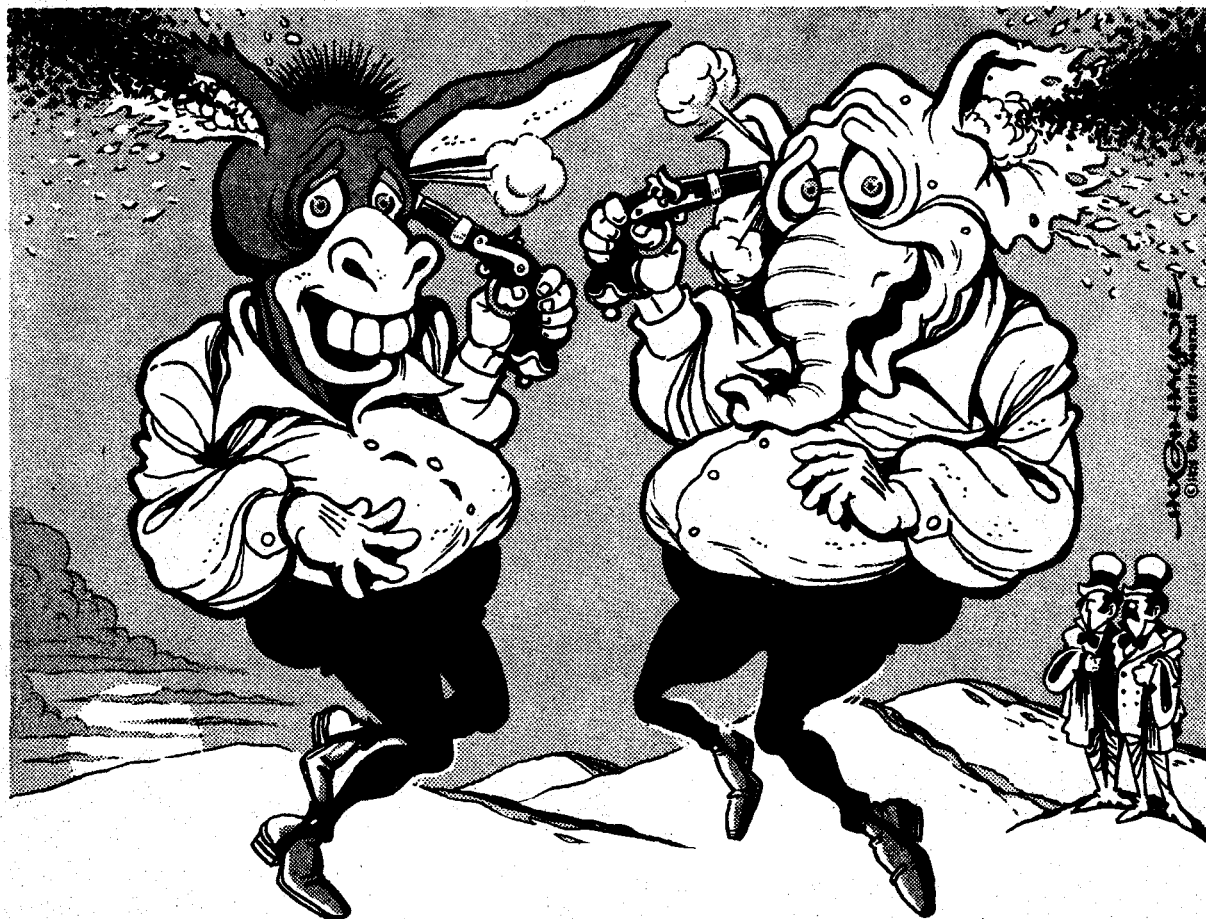
ing aspects of party life, the businessmen who now controlled the state began to use the party system to further their preoccupation with accumulation. An active, concerned, participatory electorate was incompatible with either a Rooseveltian conception of stewardship or a Coolidgesque standpattism. The party system in the first half of the 20th century became more neatly balanced between its two tasks, legitimation and accumulation.

And with a Democratic victory in 1932, the attempt to find a balance among all the parties intensified, for the working class was officially incorporated into governmental bodies which made public policy. The consequence was that the parties lost their ideological character and became bargaining agents trying to win distributive rewards for their constituent elements. As Left and Right began to accept the legitimacy of each other, there was greater competition for the "centrist" vote. To the extent that parties try to assemble a governing coalition in the interests of ruling rather than to preserve a specific class consciousness, they become, in the suggestive phrase of the late Otto Kirchheimer, "catch-all" parties. According to Kirchheimer, such a party is caught between its desire to hold state power, which pushes it toward moderation, and its need to legitimate itself, which requires that it capture and express indignation. "The very nature of today's catch-all parties forbids an option between these two performances. It requires a constant shift between the party's critical role and its role as establishment sup-

port, a shift hard to perform but still harder to avoid." Thus, in order to win state power parties must arouse expectations, but in order to hold state power, these same expectations must be dampened. In this situation, the party system constantly finds itself offering a hand and then pulling it back, making promises and then reneging on them, expressing hopes and then dashing them.

This balancing-act period in the evolution of the party system—in which the legitimating and accumulating tasks were kept in equilibrium—has broken down in the past ten years. Precisely, this breakdown is what has caused the party system to strike the average citizen as illegitimate. We are entering a third stage in the history of our party system, when the rough balance between legitimating and accumulating functions has shifted to an emphasis on accumulation at any price. Parties are now so involved in the process of communicating downward from state to citizen that their historic task of communication upward from citizen to state has been transformed into a ritualized process with no real content. The party system is considered illegitimate by the ordinary citizen because it no longer serves his or her interest. Active, mobilizing parties are incompatible with the economic and political needs of late capitalism; as a result, party systems as historically constituted are everywhere in decline.

Two primary considerations have upset the precarious



Duel of the Parties: 1976

balance between the tasks of the party system. The first is economic, and involves the increasing tendency of the state to intervene in the accumulation process. The unplanned, risk-taking dynamism of competitive capitalism has become irrelevant to a world in which monopolies control markets in order to concentrate on long-range growth and stability. But this power, together with increasing automation and the export of capital, leads to a crisis of accumulation, in which limits are reached of the potential amount of capital that can be generated from within the system itself. Between these two trends, the state finds itself called on more frequently to underwrite research and development, coordinate investment decisions, adjust macro-economic policy, and consume goods which could never be absorbed within the private sector. The tendency to bring government into economic affairs means that the accumulation aspects of the party system take precedence. Parties are needed to assemble governing coalitions which can make the necessary decisions and then have those decisions imposed on the working class, if need be through coercion, which is one reason why social democratic parties seem far better able to govern in the interests of capitalism than do capitalist parties. The fiscal crisis of the state guarantees that parties will concern themselves so much with expressing the needs of governing elites that they begin to drop any thought of the role of articulating demands from below.

At the same time, political events also contribute to a shift toward the accumulation tasks of the party system. Rendered irrelevant as a mechanism for organizing visions of a better life, the party system cannot serve as an adequate vehicle for expressing indignation. Events such as the urban racial disturbances, the New Left, and May 1968 took place outside and around the party system, including parties on the Left. This trend creates a cycle in which economic contradictions make parties incapable of focusing popular feeling, which means that parties are ignored when feelings are expressed, which in turn contributes to their further incapacities. Unable to express a vision of a better life or to voice a class consciousness, the parties simply concentrate on packaging themselves, offering up their candidates like so many bars of soap, emphasizing, as do airline company advertisements, differences so trivial that the message of their similarity emerges with embarrassing clarity. In contrast to the intensity of party politics in the 19th century, the electoral battle takes on the appearance of a mass spectacle, except that it is one so boring that few are either amused or distracted. Rather, the party battles appear to the average person as some sort of exotic ritualized behavior, about as relevant to their needs and concerns as the puberty rites of a Samoan tribe. As the state comes more and more to serve the needs of the dominant few, the parties which organize the state no longer serve the needs of the excluded many. The necessity for parties in one sphere is the reverse of their irrelevance in the other.

Between state interventionism and extra-party dissent, the political parties of late capitalist society no longer involve themselves very much in politicization; they be-

come, in fact, *depolitical* parties, whose main function is to prevent the rise of intense feelings about how the society should be organized. Once the parties are understood as depoliticizing agents, a number of aspects of their behavior become understandable. Their penchant for nominating colorless candidates instead of risky ones who might stir up the electorate makes perfect sense. Their preoccupation with nonissues becomes not a deviation from their task but an essential part of it. The parties come to promote, in the words of *The American Voter*, the standard interpretation of U.S. politics, "the low emotional involvement of the electorate in politics; its slight awareness of public affairs; its failure to think in structured ideological terms. . . ." In short, at the present time parties are doing the exact opposite of what they once did; rather than express the consciousness of a class, they promote a confusion of class consciousness. Instead of articulating demands, they insure that demands remain inarticulate. The parties, in the words of Claus Offe, must "expel from the consciousness of their members as voters those opposing social interests which it had been the original purpose of parties to articulate and present to the public at large."

Thus, the question of whether the party system will be eclipsed has already been answered; political parties, in the historic meaning of the term, no longer exist. Neither the Democratic nor the Republican Party can be considered political at all, but must be viewed as agencies designed to suppress and regulate politics. The question of whether American society can be governed without political parties is therefore not conjectural but immediate; we are being governed without parties at this moment. We have governing coalitions; we have parties which organize the state, but we do not have agencies which promote a sense of concern and a preoccupation with how the electorate can be mobilized to express its vision of the way society should be run.

Whoever is elected in 1976, the emergence of depolitical parties will have major effects on American society. Mobilizing parties were appropriate to the era of competitive capitalism. Like firms competing with each other and thus giving the consumer a better break, parties competed with each other and thus offered something to the voter. When monopolies with administered prices and standardized products replaced competitive firms, a two- or multi-party system became an anachronism. It is only a matter of time, given the domination of monopolies, before America moves to a one-party system, in which intraparty coalition building replaces competitive elections as the primary way to organize the state. To those who are preoccupied with national planning—with fixing prices and wages and investment decisions through coordination between government and monopolistic firms—elections can be viewed only as disruptive, unpredictable, "immature" and "irresponsible" behavior. The neo-corporatists who have arisen in places like the Trilateral Commission and the Emergency Financial Control Board will, if they have their way, organize the political system along the lines of their dreams for the economic system. Like Chicago or Mexico, a one-party system seems to be the most likely future if current planning is not disrupted by protest from below. □

BOOKS & THE ARTS

Wisdom and Its Price

SCOUNDREL TIME. By Lillian Hellman. Introduction by Garry Wills. Little, Brown and Co. 155 pp. \$7.95.

ROBERT SHERRILL

In 1951 Dashiell Hammett, Lillian Hellman's consort, went to jail for refusing to give Congressional anti-Communist inquisitors the names of contributors to the Civil Rights Congress' bail-bond fund. Prison life seriously damaged him in a physical way, and the Internal Revenue Service, already a practiced instrument of political oppression, did the rest by guaranteeing that he would not receive another penny from his writing for the rest of his life.

So when Hellman was summoned to appear before the House Un-American Activities Committee in 1952, Hammett counseled caution—not cowardice, but caution. He did not want her to experience prison food and tough dykes. Among others who also counseled caution was her attorney, Joseph Rauh, whose cautionary expertise took him to the top of the ADA and earned him the title of Mr. Liberalism around Washington.

Hellman's first impulse had been to do battle with HUAC and its chairman, Parnell Thomas (whose natural crookedness would later land him in a federal prison). She was willing to divulge anything the committee wanted to know about her own activities but she would not rat on old acquaintances. Her intentions were to avoid the Fifth Amendment and simply refuse to discuss certain things.

This would have subjected her, of course, to charges of contempt of Congress. Jail would have been a possibility. But as it turned out, she did take the Fifth on many questions. She was an unfriendly but not a suicidal witness. She performed the necessary legal maneuvers to stay out of jail; which is to say, she was smart enough not to be physically sacrificed for an era that would not have appreciated the gesture in the slightest.

Nevertheless, there is a price that one must pay for such wisdom: per-

Robert Sherrill's latest book is *The Last Kennedy*, recently published by the Dial Press.

petual re-creation of the moment when one could have been, but wasn't, a hero: "Many people have said they liked what I did," she writes, "but I don't much, and if I hadn't been worried about rats in jail, and such. . . . Ah, the bravery you tell yourself was possible when it's all over, the bravery of the staircase."

And elsewhere she writes that "for five or six years after my appearance before the committee, when other troubles came, and I would be sleepless, I would get up at odd hours of the night and write versions of the statement I never made. I was certain that whatever would have been the injuries of jail could not have been as bad as I had thought in those first days. Then, of course, when I had climbed back into bed to read a new and fancier version of what I hadn't said, I would think it's fine to do all this after the fears are over, you'd better cut it out and start worrying about how you will act when trouble comes again."

But in another way she was quite heroic. As all children of Adam Smith know, accepting jail for principle is not nearly so great a sacrifice as rejecting money for principle. Hellman did the latter, in spades. Harry Cohn of Columbia Pictures, probably the most repulsive fellow to shape the morals of Hollywood, had offered Hellman a dream contract in 1947. She was guaranteed almost \$1 million to write and produce four pictures on any topics she wanted. She was to have total control over the final cuts. There was only one hitch: she was required to write a letter promising to conduct her life in such a way that her politics would not embarrass the studio.

It was strictly a cardboard front. Cohn didn't care anything about her politics. He didn't care anything about patriotism, his version or hers. He didn't care if she lied. "Write it, sign the contract and forget it," he advised her.

But a promise was more than that to Hellman. She wouldn't sign. Her refusal meant not only giving up the million bucks but also going onto the Hollywood blacklist. No more work on the West Coast for her. Now she was ripe for fleecing by such foreign moguls as Alexander Korda, who, knowing she was desperate for work, paid her only a trifling fraction of the money she should have received.

Finally, briefly, to stay alive she was reduced to part-time work in the grocery department of a department store. And so, one of our greatest dramatists—*The Little Foxes*, *Watch on the Rhine*, *Another Part of the Forest*, *Toys in the Attic*—sold cabbages in penance for insisting that she choose her own friends and make her own political decisions.

Now, at that point—if this were being written by your ordinary autobiographer—the reader would clearly be given an invitation to hiss and jeer fate, and to bewail the injustice of it all. But Hellman is another of those marvelously cheerful victims of the 1950s—John Henry Faulk being first among the others who come to mind—who have won immortality with a sense of humor and a miraculous sense of perspective.

Hellman does not try to graft some kind of cosmic lesson onto the burnt stump of the 1950s. Some people are decent, some aren't; some people are brave, some aren't; some people and some eras are sane, some aren't. *Scoundrel Time* does remind us of those things, but of course we didn't need reminding. What we do need to be constantly reminded of, and which she does so well, is that people we assume to be allies can turn out to be treacherous indeed, but that the disappointment lies in our innocent standards. "Simply, then and now," she writes, "I feel betrayed by the nonsense I had believed. I had no right to think that American intellectuals were people who would fight for anything if doing so would injure them; they have very little history that would lead to that conclusion."

She does not say this with any bitterness—in fact, there is very little bitterness in *Scoundrel Time*—but with the kind of detachment that comes either from the outer stretches of Einstein's expanding universe or from Bourbon Street.

The memorable moments in her book are products of that detachment and of her recollections of trivia; for it was trivia that sank to the bottom of the entertainment world's soul and it is in that glittering sludge that a generation's real being can be found. For instance:

Long before the studios were threat-

ened by politicians and the American Legion, their general timidity had been a joke for writers and directors. . . . There had been, for example, in the late 1930's, a famous crisis at Metro-Goldwyn-Mayer. They had taken one of their big musicals to San Francisco for a sneak preview. It was then as it is now the custom to hand out postcards for the audience to fill out, asking their opinion of the picture they had just seen. One postcard writer loved the picture but wrote that she was horrified that Frank Morgan, an actor in the picture, had his fly wide open during one of his scenes. The postcard caused such consternation that the picture's opening was postponed and for a week all workers in the studio, coming to the projection room in craft groups, were shown the picture several times a day, and a prize was offered to anyone who could find Mr. Morgan's open fly. It was later discovered, obviously because so great a heroine couldn't keep her mouth shut, that the postcard had been written by a discarded mistress of a Metro official.

Turning from Hollywood to that other world of fantasy, politics, Hellman permits us to accompany her to the home of her country neighbor, Henry Wallace, one of the eclipsed moons of the Left. Because she needed the money, Hellman had just sold her precious farm and Mr. and Mrs. Wallace had invited her over to their egg farm for a goodbye dinner. The menu: one poached egg on shredded wheat. Her farewell gift from Wallace was a 50-pound bag of manure.

As all who knew Henry Wallace will attest, there is much more to that story than merely a portrayal of buffoonery. There is always more than humor in Hellman's humor. She turns to it because she is aware that Americans will not contemplate the sad moral of that era any more diligently today than they did then. The McCarthy period, she wisely notes, did not gutter out as the result of national outrage but as the result of national ennui: "We were not shocked at the damage McCarthy had done, or the ruin he had brought on many people. Nor had we been surprised or angered by Cohn and Schine playing with the law as if it were a batch of fudge they enjoyed after the pleasure of their nightly pillow fight. We were bored with them. That and nothing more."

And the most amazing thing is that those who helped create the era are so incredibly stupid as to fail to see that Americans are still completely bored with it. *Commentary* magazine, for example, which tacitly endorsed the McCarthy efforts at the time (as Hellman points out) is still running articles down to this very day in which it tries

to reconvict Alger Hiss. And *Commentary* is not alone.

To be surprised by such things is, as Hellman says, to "feel betrayed by the nonsense" of supposing that "liberal intellectuals" all come from the same bag. There are vast differences, as Garry Wills reminds us in his very thoughtful introduction:

Cold War liberals were ideologues, and ideologues meet each other on the same ground, if only to do battle there. Radicals of the Hellman and Hammett sort cannot even find that meeting place. The popular image of the radical is the wild and irresponsible "bomb thrower." But most radicals I have met were extraordinarily civil. They oppose the general degradation, not with a programmatic "solution," but with a personal code that makes pride possible in a shameful social order. They do

not wish to be implicated in responsibility for society's crimes, which means that they must take a special kind of responsibility for their own acts.

Ideology is, by contrast, an *escape* from personal responsibility. Someone like Whittaker Chambers wanted to be told what to do, wanted to be History's slave. Ideologues want to be certified by others as respectable—if not by the Committee or the Party, then by the ADA. They want their hates to be dictated by the national program. The radical thinks of virtuous people, while the ideologue thinks of orthodoxy. The radical hates vicious and harmful people, while the ideologue hates heretical ideas, no matter how "nice" the possessors of those ideas may be. The radical tries to uphold a private kind of honor in a rotten world. . . .

Which, I gather, is what Hellman's life has been about. □

Powell's Dance to the Grave

HEARING SECRET HARMONIES. By Anthony Powell. Little, Brown and Co. 272 pp. \$7.95.

ROBERT K. MORRIS

Twelve volumes, 300 characters and a million words have eased into the stream of literary history since Kenneth Widmerpool first came huffing up the tarmac of a dreary winter's day, pushing himself to run off schoolboy fat, and manifesting those incipient signs of will power that for a quarter of a century have dominated the pages of *A Dance to the Music of Time*. Now Widmerpool is dead: victim of a heart attack during a pre-dawn jog with some of his hippie companions from an occultist commune; done in by his Creator not 10 pages before the melancholy and mournful dance of life and death has finally been "suspended in the wintry silence"—the time and space, in fact, where it all began.

Twenty-five years ago, or even ten, it would have been almost impossible to predict the direction that Anthony Powell's human comedy, the most significant novel sequence on English society since *The Forsyte Saga*, was to take. It was virtually certain from the fifth volume on (*Casanova's Chinese Restaurant*) that the series was heading into a valedictory for the 1930s, that the motifs of disintegration, decay and death had entered more than casually, and that the war trilogy (*The Valley of Bones*, *The Soldier's Art*, *The Military Philosophers*) was trumpeting the

mini-apocalypse of the class and decade that Powell and his surrogate narrator, the novelist Nicholas Jenkins, knew and really understood. It was almost certain, too, given the enormous cast of characters and their proliferating relationships, that Powell would not be attempting in the final volumes a retrieval, a tying together in the Proustian sense, of all the themes paid out like so many separate threads since the beginning of the sequence. By means of a scrap of information here, a letter received there, a parenthesis dropped elsewhere, Powell was quite content merely to kill off old protagonists by the brace or by the dozen—his most recent books often seeming in places like roll calls of the dead—and, in the way of yet greater surprise, suddenly to introduce new ones. Clearly, Powell was not, like Galsworthy, out to wallow in the past or, like Proust, to recapture it.

What, then, was he out to do? *Hearing Secret Harmonies*, the last of the twelve volumes, furnishes a number of clues, some more obvious than others, but none totally veiled to those who have followed the sequence through from beginning to end. The most transparent of them indeed concerns death: not individual death, dispensed with in an aside or conducted offstage; not even death as it encroaches on Nick himself, now in his late 60s but death as a transcendent or metaphysical notion, providing an inevitable fascination for a writer who has seen scores of characters in their dance to the grave. The notion is crystallized in a comment made to Nick about Russell Gwinnett, the American

Robert Morris's most recent book is a study of V.S. Naipaul, *Paradoxes of Order* (University of Missouri Press).

academic in *Temporary Kings* whose critical biography of the dead novelist, X. Trapnel, has just won the Magnus Donners Literary Prize:

He just loves where Death is. . . . I can understand the obsession like most others. People love where Beauty is, where Money is, where Power is—why not where Death is?

Why not, indeed? Examples of Powell's dancers being in love with one or the other of these life forces are legion: Baby Wentworth, Bijou Ardglass, Jean Templer, Pamela Flitton—with Beauty; Dr. Trelawney, J.G. Quiggin, Mrs. Erdleigh, Widmerpool—with Power; Magnus Donners, Uncle Giles, the Walpole-Wilsons, if not half of the innumerable *dramatis personae*—with Money. As Powell dwelled upon this unholy Trinity in his earlier volumes, so he snares them—vanity of vanities—in the mortal coils of the final volumes. Gwinnett's obsession is no less Jenkins's; Jenkins's no less Powell's. If the novelist is of necessity a voyeur, looking on life only that he may convert it into art, so his fascination for death need not be a necrophiliac perversion but rather the natural consummation of artistic curiosity. In the grand design of the sequence, Powell's *danse macabre* is no less significant than his antic hay.

Thus, one of the secret harmonies in these novels is that death, though unpleasant to contemplate, must always be anticipated, and generally it befits the dancer. The suicides of MacIntick (*Casanova's Chinese Restaurant*), X. Trapnel (*Books Do Furnish a Room*) and Pamela Flitton (*Temporary Kings*) are cases in point. The eccentric and pacific General Conyers of *At Lady Molly's* dies in a beatitude. Charles Stringham, effete dandy and man of imagination, a hangover from the 1930s who never adjusts to the 1940s, dies in World War II, posted to the Far East by Widmerpool (then a bigwig on the general staff) and "murdered" by him in a show of power much as Widmerpool is "murdered" by the *louche*, lovely occultist, Scorpio Murtlock, intent upon a similar show.

And herein lies another of Powell's clues. *Hearing Secret Harmonies*, before ending on a dying fall, pulls out further stops of Powell's confrontation between power and imagination. Widmerpool, hitherto the demi-gorgon of conservatism and power, succumbs to imagination at last. Liberal, liberated, tuned-in, Widmerpool—now "Ken"—escapes the grim fate of ending up as a university chancellor to fall prey to the unspeakable rites and practices of Murtlock's "Harmony" gang. Widmerpool fails in his bid to become a new messiah of Dr. Trelawney's old spiritualistic mumbo jumbo ("The Essence of the All is the Godhead of the True"), and is leveled in humiliation to the lowest ranks of disciple; power is hoist with its own petard.

Yet Powell's implications in killing off

Widmerpool are potentially more depressing. Widmerpool, if nothing else, was a great life forcer, and in the course of *The Music of Time* all the great life forcers—male as well as female, the power hungry as well as the imaginative—have proved expendable. We are left, alas, with durable mediocrity, or that seems to be what Jenkins-Powell implies! Even Jenkins himself, who from time to time came up to snuff as heroic material, has pretty well been refined out of the works. Surely, were we to read *The Music of Time* as a realistic picture of English upper- and middle-class decline and fall, we could count on mediocrity to supply society's harmony, and the men of power and imagination to furnish the discords.

Which is quite possibly the way we are not meant to read it at all. *The Music of Time* is a formidable bit of realism by a master ironist and comedian, but in the end it has proven itself to be less a fictional history about sixty years of English society than a mythical delineation of it. The Poussin painting that gives the sequence its title—described by Powell as "the Seasons. . . facing outward. . . moving hand in hand. . . in rhythm to the notes of the lyre that the

winged and naked greybeard plays"—suggested the mythic idea from the start. The partners in Powell's dance were, like the Seasons, to "disappear only to reappear again"; and the gyrations and patterns of the dance, though drawn from life, were inspired by art to be turned back into art. Powell's plan, it seems, was to create a world where life and art, time and space, ran on synchronously and parallel. Such is the world of myth. *Hearing Secret Harmonies* gives us a new perspective on it: takes us to the vanishing point where the parallels almost converge.

The new perspective is Nietzsche: Nietzsche at a dinner party and consequently Nietzsche without tears. Talking to the alchemist-cleric Cannon Fenneau (a fascinating original too late encountered), Nick mentions that "Nietzsche thought individual experiences were recurrent, though he put it rather differently." This, essentially and at last, is Powell's justification of his design in *The Music of Time*, and the most oblique reply to critics who have found the series growing more incestuous in its pairings of partners, more involuted, coincidental, factitious. Powell has not expanded the world of his dancers

NEWS

*These afternoons seem to occur more
in geologic time than in one's life.*

*Under the blue fresh snowfall,
sandstone outcrops generate heat.
I count fifteen kinds of tracks,
like runes, and nothing living.*

*Drifted snow, an ethered gauze,
muffles the land, creaks under my skis.
Animals sleep among the roots,
without doors, without dreams.
Seven miles for a phone
and even the wires have gone under.*

*Another day knowing nothing more
than when I last saw you,
that stainless-steel shadow
vigilant over your bed.
It followed you down the hospital halls,
arms hung with surgical fruit.*

*I slide down the last drift to the house,
slap my skis together.
A small avalanche, shaped like a continent
drifts off the roof and falls into a heap,
and chinking falls from the eaves.*

*We each inhabit our own
small flesh, our tract.
Each tries to keep his own
doors from creaking, like news,
as each night slams shut, and each dawn opens
like a sudden flow of blood from the mouth.*

James Galvin

simply because he has not wanted to. Characters aplenty he has, but they talk much the same way, do much the same things, find themselves at many of the same parties or weekend houses. Powell's dance has progressively wound down because the seasons, life, wind down in their momentum to begin anew.

What Nietzsche has ultimately done for *The Music of Time* is to give it a novelistic, as well as a philosophic order: to make this myth of recurrence part of the entire comic fabric. For one thing, a generous staple of myth is larded on over the entire sequence. From the seasonal dance on page 2 of the first volume, Powell has gone about invoking myths of the seven deadly sins, the Furies, Childe Roland and *Orlando Furioso*, Casanova and Ezekiel—to name but a trickle of the torrent of allusions. He has used these archetypes to heighten his comedy of discontinuity, to force ironies, and to swell the dimensions of his half-dozen or so recurring characters who loom larger than life.

But perhaps Powell's most original use of Nietzsche is turning a minor gesture into a continuing metaphor whose full resonances are not felt until volumes later. In *Hearing Secret Harmonies*, for example, the Quiggins twins, hippie radicals attending the university at which Widmerpool is chancellor, spatter him with red paint during one of his pompous addresses. For Nick, the incident immediately summons up remembrance of things past: that night at the Huntercombes's dance when Barbara Goring has poured a castor full of sugar over Widmerpool's head. This it does for Nick; but what has Powell meant it to do for us? To invoke, one suspects, not simply all of Widmerpool's history from Barbara Goring to the present but the whole myth of Powell's most grotesque and most comic creation. Between "castor sugar" and "red paint" Widmerpool has gone on to become a magnate, a general officer, Labour Party minister, peer of the realm and nearly divine guru; but in every one of his guises he has found himself duped, humiliated, defeated, even cuckolded by women on the order of Gorings and Quigginses. The phrases, then, are ostensibly meant to revive the full run of the grand spectacle of the dance and of Powell's principal dancer: much, say, as "sphinx" plunges us into the myth of Oedipus.

Whether or not Powell has succeeded in this, and in *The Music of Time* is, justly enough, Time's decision. A somewhat wry aside by a character in the present volume might be taken by some as the most uncharitable commentary on the sequence: "It seemed to start so well, and end so badly." He is of course talking about something completely different. But Powell,

as well as Nietzsche, recognizes the weariness and futility connected with the theory of recurrence, the myth of eternal return. Earlier writers have chosen to treat the myth tragically; Powell goes about treating it comically, balancing life and death, reality and art, accepting them and not expecting to change them. That's what one might gather from the long catalogue from Burton's *Anatomy of Melancholy* which is appended to the last pages of *Hearing Secret Harmonies*: if, that is, one has not

Survival Declined

THIS WAY FOR THE GAS, LADIES AND GENTLEMEN. By Tadeusz Borowski. Penguin Books. 180 pp. Paper \$2.95.

A DREAMBOOK FOR OUR TIME. By Tadeusz Konwicki. Penguin Books. 282 pp. Paper \$2.95.

MARK SHECHNER

The most persistent activity of American Jews since the war has been their inexorable thrust into the heart of the American middle class and the adoption of such attitudes and habits as characterize a proper bourgeoisie. But the increased comforts they enjoy have not been proof against the recurrence of old nightmares or assurance that they might not awake one morning from uneasy dreams, like Kafka's Gregor Samsa, to find themselves victims once again. At critical moments, usually following bad news from Israel, a wave of anxiety passes through the culture, as a result of which old ironies and habits of assimilation are disclaimed and everyone announces that he has been a closet Zionist all along. Not in any formal sense, since Zionism for most American Jews is a sentiment and not a politics, and such community as it may constitute is based, for the moment, on little more than a shared fantasy. As if on command, but not on command at all, images and recollections of the Holocaust have lately begun to emerge as though something that has been successfully repressed for a long time were returning urgently to consciousness. Recent months have seen the publication of Laurence Langer's book on the literature of the Holocaust, Terrence Des Pres's study of the survivors, and now a collection of stories by the Polish writer, Tadeusz Borowski,

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gathered as much before. Perhaps it is futile to think that the more things change, the more they remain the same, but still better is the idea of continuing than standing still. Powell's world in *A Dance to the Music of Time* continues. There is no apocalypse or apotheosis; it does not end with a bang or a whimper; it does not give us any final message about time, the dance or the dancers. Fortunately. "We have art," Nietzsche said, "in order that we may not perish through truth." □

which, as part of Philip Roth's series for Penguin books of "Writers from the Other Europe," recalls the Holocaust for us with particular clarity and terror.

No one who has kept track of Roth's writing for the past ten years and taken note of his relentless pursuit of his own latent content can be surprised to find him devoting an increasing amount of attention to the discovery of Eastern Europe and its writers or to Franz Kafka, who has been the bridge between his deepest personal concerns and his new-found Old World. For in pursuing his personal myths back to historical and literary sources Roth has uncovered, I believe, something of the tacit meaning Kafka has had for him and for many of us all along. Among other things, Kafka has come to seem like an embodiment of Eastern Europe itself and all the unconscious terror that that part of the world yet holds for us. The old country that our grandparents and parents thought themselves to have cast off is alive and charged with dark portent in those of us who have never seen it. It is the mythic abode of our worst fears of total and capricious domination, and not without reason. "These are chosen nations," says Jan Kott in his introduction to Tadeusz Borowski's *This Way for the Gas, Ladies and Gentlemen*, "in the same sense in which the Bible calls the Jews a chosen people. In such places and years history is—as my teacher used to say—'let off the leash.'"

The price of being thus chosen is endless debt, and the meaning of one's individual survival may be only that full payment has been deferred. Tadeusz Borowski, having survived imprisonment in Birkenau and Auschwitz from 1943 to 1945, emerged after the war with the publication of his first stories of life in the camps to become,

at 24, one of Poland's brightest young writers. Yet, after gaining considerable acclaim as a writer and then moving on to an apparently high-level career as a propagandist and secret operative for the Polish Communist Party, he took his own life in 1951 when, at 29, the will to continue finally gave out and he turned on the gas. He left behind some five volumes of poetry and prose, among which is some of the most lucid and powerful testimony we have about life in the house of death.

The twelve stories in *This Way to the Gas, Ladies and Gentlemen* are barely transformed autobiographical sketches of life in Birkenau and Auschwitz, though they have the story-writer's rigorous sense of order and detail. They are fiction only in a formal sense—they sound as if they had been written under the influence of modern principles of craft. They are spare and precise. Yet it is difficult to know to what extent that craft is a precocious purity of style and to what extent a simple consequence of the stringencies of camp life. One of the rules, according to which life and death were organized at Auschwitz, was the principle: *Ordnung muss sein*, which was not just an edict of bureaucracy gone mad or a symptom of the German love of formation and symmetry but a requirement of high-speed production. As Borowski describes it, Auschwitz was a great factory of death whose gas chambers and ovens could process 20,000 victims a day, and worked round the clock during months of peak production. For the prisoners in the labor *Kommando*, like Borowski, who helped run the camps and were themselves deeply implicated in its crimes, as well as for the S.S., genocide was an industrial problem, calling for close attention to techniques and schedules. "No hocus-pocus, no poison, no hypnosis. Only several men directing traffic to keep operations running smoothly, and the thousands flow along like water from an open tap."

But *Ordnung muss sein* was not just a production motto; it was a watchword for survival. The survivor was one who kept his feelings under close scrutiny. In this sense that other camp motto, *Arbeit macht frei*, was more than just a bitter irony: as Conrad's Marlow discovers in *Heart of Darkness*, there is salvation in the attention one pays to boilers, steam pipes, and the rituals of upkeep, "to the mere incidents of surface." Such incidents of surface appear to dominate the writing in these stories, indeed, to be their most startling feature. In "The People Who Walked On," the labor *Kommandos* are allowed to make a soccer field within view of the load-

ing ramp where condemned Jews disembark by the hour, even while games are in progress. One warm summer afternoon a train pulls up in mid-game and the doomed prisoners disembark as if for a picnic:

The men had taken off their coats, and their white shirts stood out sharply against the green of the trees. The procession moved along slowly, growing in size as more and more people poured from the freight cars. And then it stopped. The people sat down on the grass and gazed in our direction. I returned with the ball and kicked it back inside the field. It travelled from one foot to another and, in a wide arc, returned to the goal.

Moments later they are gone and the area is empty of all but the players: "Between two throw-ins in a soccer game, right behind my back, three thousand people had been put to death."

Even in bearing witness, how cool Borowski is, how ironic! Yet this cool is not at all dispassionate but rather guarded and mature. It is a manner forged under extreme vigilance, and designed to protect him against his own anger, sympathy and guilt, which are the most useless emotions of all to the totally dominated. Yet this chastening of style is just right. As Lionel Trilling

noted about Isaac Babel, whose laconic detachment from violence is so like Borowski's, a greater affective power is achieved by the stifling of emotions, "the denial of immediate pathos is a condition of the ultimate pathos the writer conceives." In such a case, where bearing witness is the issue, Borowski's detachment does what is morally required and allows the thing to speak for itself.

It is not certain why Borowski, having survived the camps, took his life six years later under what appear to have been merely civilian strains, though Jan Kott's account of the circumstances makes them sound complex and compromising enough. But the observation might be added that such defenses as Borowski adopted under moral duress may have been paid for later when, under the conditions of their eventual relaxation, the full weight of repressed rage and guilt came belatedly into play and he was obliged to reassess his survival under altered emotional circumstances.

Punishment deferred is the theme of the other new Penguin release in this series, Tadeusz Konwicki's *A Dream-book for Our Time*, which is directly

ADVICE AND DISSENT

Scientists in the Political Arena

Joel Primack and Frank von Hippel

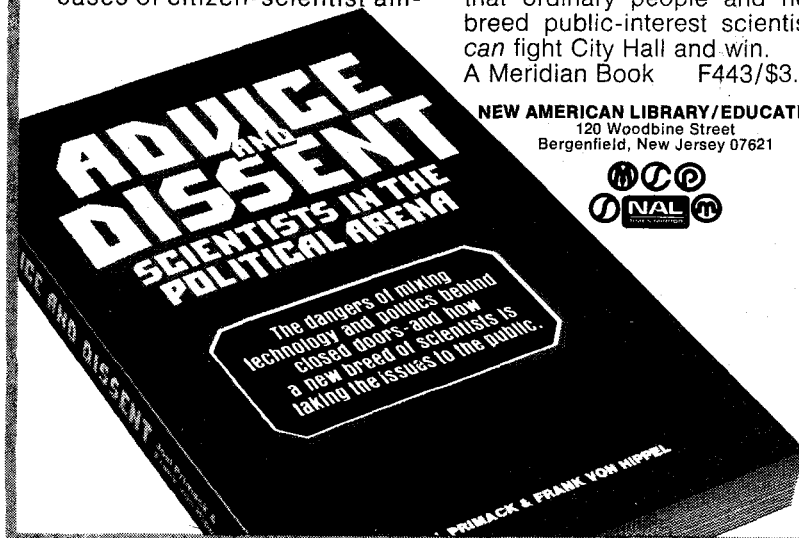
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about the psychological costs of war and the fate of survivors. Indeed, an attempted suicide is its point of departure as a former patriot and guerrilla fighter who has returned to the scene of his wartime activity in search of the past takes poison in the face of unendurable realizations. The book opens with the awakening of the nameless partisan from his poisoned sleep in a rooming house in some obscure Polish village along the Sola River. He is, and remains, in something of a stupor, unclear about his purposes or even of his identity. Only the past, which wells up in peremptory and involuntary dreams, has any clear shape, and it is a past that is haunted by loss, murder and dishonor. He is haunted by his mother's arrest and deportation as a result of his partisan activities, by his dismissal from his guerrilla unit for having disobeyed an order, and by his wounding of an informer whom he had been sent to assassinate but could not murder in the presence of his daughter. It is the need to redeem this past and especially to find his former victim that drives him to return to this village. But salvation is not there, nor anywhere else, as his victim, rediscovered, tells him: "In every man you'll see those you did an injustice to. Every face will seem familiar to you, in every face you'll find the traces of the suffering you caused. You know what drives you from one place to another. Do I have to tell you?"

This is indeed a dreambook for not only does the past inhabit the present with inescapable recollections but present events themselves dissolve in a dreamlike haze of uncertainty. Here, as in Borowski's stories, the terrors of war lead to emotional anesthesia, though here too is a blurring of perception. As in a play by Beckett, the simplest acts are performed with maddening difficulty, and the most routine thoughts and recollections are achieved only through a tedious grappling with the will to forget. Mental life is involuntary while the present is suffocated in folds of anesthetic cotton.

And it is no wonder that Konwicki's hero reports back from within such a haze of sense, for the history he has witnessed is a rebuke to the senses. His generation was one that saw and felt too much, for which one remedy is the mortification of sense and the comparative comfort of autism. Comparative, since life also issues commands and they too must be satisfied:

Listen, if I wander like a pilgrim from place to place, if I can't find peace anywhere, it's not because I want some kind of reward, not because I'm looking for something that can't be found. I

wake up every day and fall asleep with fear, horror, a terrible feeling of helplessness. I could choose resignation. The road of sterile vegetating, a state of dullness brought on by the biological rumination of days, cheating the memory by senile little pleasures in pushing checkers about. Is this the only alternative?

The book doesn't really answer that, as the narrator leaves the village on a train to nowhere in particular, presumably to begin another cycle of quest and disappointment. Such is the legacy of what Jan Kott calls a "full European education," in which the advantages of survival are eventually called into question by the survivors themselves and, as the case may be, occasionally declined. □

THEATRE

HAROLD CLURMAN

Fernando Arrabal's *The Architect and the Emperor of Assyria* is a "big" play (La Mama Annex, 66 East 4th St.). I do not refer to its length—in a cut version it runs three hours—but to its sweep. It is a vast "send up" of modern civilization—"Christian capitalism"—a play of gargantuan blasphemy.

It is not to be readily categorized. Arrabal himself has referred to it as a panel in his "theatre of panic." He and his audience are under a similar spell. He saves himself and us from its brutal blows by a sort of hideous humor; his total disgust is spewed out in raucously derisive laughter. It may be called a sado-masochistic farce. But no conventional epithet quite fits it. It is surely an original play, even if for pigeonhole purposes we invoke the names of Ghelderode, Genet, Goya and Buñuel.

The influence of Spanish Catholic atmosphere and upbringing are strong in Arrabal. "In Spain," he wrote, "children are cruel . . . in my childhood, everything was sin and I wonder to what degree the idea of sinfulness does not still haunt me." It certainly does! But added to this there is the actual experience of the Franco years, during which his father disappeared from jail never to be heard from again. Arrabal's investigation into the condition of Franco's prisons and his brief incarceration in one of them contributed to his education in horror.

Because his father had been a traitor to the regime, Arrabal's mother abjured her husband. It was on a search for his father that Arrabal set out for France, where he settled in 1960 and began to

write most of his plays in French. First produced in Paris in 1967, when he was 35, *The Architect and the Emperor* was not an easy play for me to grasp when I then saw it. Nor is it now wholly transparent—one may ask oneself why the "Architect," why "Assyria," etc.?—but its mood, its sentiment, its special eloquence and its basic thrust make it unmistakably powerful. Like it or not, it is one of the signal plays of our time.

A "gentleman" falling to earth from an airplane accident, lands on an unknown island of which the sole inhabitant is a savage. In that isolation the man of the world teaches the native barbarian the speech and facts of the outside world. The instruction is a process of fun and games: the games of justice, war, religion, love, marriage, filial attachment and duty. Our culture's representative becomes the "Emperor" as the native is the "Architect," the creature of work and constructive action or, if you will, master and slave. And what does the Architect gather from the Emperor's discourse? At first the Emperor speaks of the blessings of the world which made him. "Ah philosophy! Ah music! Ah monuments!" he periodically exclaims. "Civilization? What a wonder!" he goes on. "During thousands of centuries man has stored knowledge and enriched his intelligence until he has attained this marvelous perfection that has become life. Everywhere, happiness, joy, tranquillity, laughter, understanding. All is conceived to render man's life easier, his happiness greater, and his peace more durable. Man has discovered all that's necessary to his well-being and today he's the happiest and most serene being in all creation."

But around the very ecstasy of his praise there is nothing but destruction, frightfulness, venom, slaughter, obscenity. "All that is atrocious, nauseating, putrid and vulgar is contained in one word: God." As for justice: "What justice? What is justice? Justice is a certain number of men like you and me who most of the time escape this very justice by hypocrisy or subterfuge—I don't give a damn for your courts, your operetta judges, your puppet tribunals and your prisons of vengeance." He quotes a great poet: "Little bastard, big bastard, we are all bastards."

These are the least of his imprecations. The hot line between Kennedy and Khrushchev is alluded to, the unspeakable curse of the bomb is part of the panorama, the ghastly idiocy of war reports in which the casualties of the opposing powers are triumphantly trumpeted are given their due in this message from hell. The Emperor recalls the memory of his adored mother, reviled

and decapitated! With all this there is an ambiguous savor of the homosexual. And the play ends in a satanic ritual of self-immolation. The Emperor bids the Architect to kill and eat him. "I want you to be you and me at the same time." Perhaps, to begin with, they were two sides of the same entity: human-kind. For at the end we witness the repetition of the initial pattern: the Architect returns in the person of the Emperor, the Emperor in that of the Architect.

The writing is sometimes cast in the mode of surrealist "automatic" composition, wildly incoherent and yet astonishingly lyrical, with a sort of madly orgiastic afflatus and hurricane giddiness in which everything from Coca-Cola to world literature revolve in a giddily grotesque dance: "We'll erect palaces with labyrinths," the Emperor shouts, "we'll dig pools for sea turtles to bathe in, I'll give you an automobile so that you can tour through all my thoughts and pipes steaming liquid smoke in spirals that change into alarm clocks. I'll drain the swamps and out of their mud will emerge a flock of pink flamingos with tin-foil crowns, etc. etc." Everything is desecrated in an appalling circus.

Yet one cannot say the play's ferocity voices an all-consuming nihilism—no work of art ever does—for even the Emperor says to the Martian of his imagination, "I want to stay on earth. . . . We have just reached the point where we can sustain grief. . . . What, I'll die an atrocious death during a war, burnt by radiation? . . . In spite of the fact that I don't know and have no desire to know Mars, I a thousand times prefer to live on earth in spite of our wars and difficulties, rather than on your dream planet." The play, is at once a howl of anguish, a hysterical prayer, and a protest.

Tom O'Horgan has directed the play with epic glee on Bill Stabile's fantastic set, which we look down on from the height of several tiers. There is picturesqueness and ingenuity in his direction though his extravagance leaves too little to the imagination. He errs in matters of taste and his desire to find a physical equivalent for the author's every idea and metaphor sometimes obscures the text, which in this case is of the first importance. For all that, I consider his production one of the most outstanding of several seasons. Lazaro Perez as the Architect and Ronald Perlman as the Emperor (all the other "characters" are mimed as part of the games played by the two principals) are loyal to and efficient in their formidable tasks.

Time and space do not permit me to expatiate on the other performances I have seen in the flurry of activity as the season nears its end. The best of them is still Ntozake Shange's *For Colored Girls Who Have Considered Suicide*, which I reviewed here in April on the occasion of its earlier production at the Federal Theatre on Grand Street. (It is now at the Public Theatre.) The show consists of sung, danced and spoken pieces in verse and prose given exaltingly touching impact by six captivating black women, including its author.

It is part of the movement of black

expression by which the black theatre has imbued our stage with a fresh spurt of life. It is an important movement, not only because it has helped the black community to a further awareness of itself but because, through it, all of us may come to know about a people; ignorance of or indifference to them is a peril to our entire society. Whatever the merits of the individual plays may be, I nearly always find that they interest me.

One of these, at the Public Theatre, is *So Nice, They Named It Twice*, by Neil

Woodward & Bernstein, Sy Hersh, I.F. Stone, Daniel Schorr, Jack Anderson...

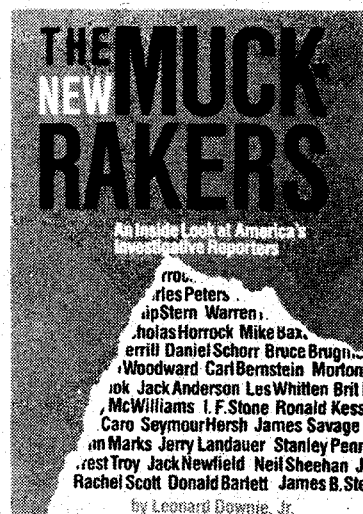
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Harris, who in one scene acts very well a gangster trying to behave respectably in the presence of his moll's middle-class parents. The play's name refers to black life in New York, N.Y. We see various aspects of it—the drug and criminal scene, the disarray of sexual relationships among the poor and others, the daily wear and tear. These “slices of life” are surely authentic: some of them harrowing, others occasionally funny, but apart from a certain soap-opera looseness, I felt after I had left the theatre, “It’s the truth, but I’d like something better.” The acting is generally very good.

Livin’ Fat by Judi Ann Mason is black folk-farce which reminded me of one of Sholom Aleichem’s droll stories, except that the personnel in *Livin’ Fat* is all black. (Negro Ensemble Company at the St. Mark’s Playhouse.) It has some

deliciously funny lines and I enjoyed the spirit of the acting.

The quasi-new production of Jules Feiffer’s *Knock Knock* (I reviewed the original Circle Repertory Company one here on February 14) is under the direction of Jose Quintero and has an excellent cast: the gorgeous Lynn Redgrave, who speaks her final speech with fine address, Charles Durning, John Hefernan and Leonard Frey. My opinion of this on the whole entertaining play hasn’t altered much since my first impression of it. I found some of the new by-play in Quintero’s direction added to the sport of the play’s trick jocularity. The world, Feiffer suggests, is daffy, we may as well accept it in like fashion. There is in this a speck of wisdom. There are a number of truly bright quips and the Feiffer “fantasies” induce guffaws. □

fifteen years is more than somewhat hyperbolically titled, *Art Pepper/Living Legend*. (“If he’s a legend,” a booking agent used to say of such loose language applied to another musician, “how come I can’t get him a gig in Cincinnati?”)

Actually, Pepper did acquire a sturdy reputation as one of the few hard swingers on the now vanished cotton-candy “West Coast jazz” scene of the 1950s. But then his life turned into a bad paperback novel about the self-doomed jazzman. Drugs and jail, and more of both. Pepper completed his last stretch in 1966, but as late as 1972, he was doing another kind of time as a book-keeper.

Last year, Pepper finally got a chance to go on record, after so long a silence, in the Los Angeles studios of Les Koenig’s Contemporary Records, the most relaxed setting for a jazz date I know of. The tapes are always running (none of the false economy that loses a perfect “warm-up” take); there are no time pressures; and the players know that Koenig (who lives off another business) will be content if the sessions don’t break even for ten years. Or ever.

In so buoying a context, Pepper has made the most impressive album of his intermittent career. Swinging deeper than Paul Desmond, and with his own kind of incisive melodic resourcefulness, Pepper—with an invigoratingly clear and full sound—has set down a series of quintessential mainstream modern jazz performances. They owe much to Charlie Parker, but more to Pepper’s own earned

INDIGENOUS MUSIC / Nat Hentoff

Paul Desmond is an anachronism, a condition befitting a chronic loner. Fiftyish, white, he is an implacably melodic jazz alto saxophonist in a time when Armageddon-like shrieks, fire alarms and ceaseless earthquakes identify the heralds of the new jazz.

Nor is Desmond yet old enough to have the full stature of a jazz survivor. (A jazz player enduring into his 60s and 70s tends to be given distant respect, if seldom reverence, by the younger musicians. But a middle-aged romanticist with a subtlety of wit that delights only in itself—with no polemical points to make—gets no respect at all these nights.)

Still, Desmond goes along doing what he most enjoys—spinning exceedingly fine and eventually trance-like melodic variations in a tone of rather enticingly veiled purity. An idiosyncratic intellectual off the stand, Desmond, when he plays, conjures up the kind of reflective sensuality that certain other fiftyish intellectuals may recall as attending their reading of John Donne, decades ago, to a female friend on the edge of a bed. In sum, Desmond’s jazz is much more like vermouth than like the 160-proof rum I remember at the soul bars of my youth. But there are times for gentle highs, and Desmond’s newest album, *The Paul Desmond Quartet* (Horizon/A&M) is precisely for such occasions.

For many years, Desmond could be heard only in the company of his then

employer, Dave Brubeck. The pairing was always like that of an antelope and an elephant, and it is all the more a pleasure now to hear Desmond entirely on his own terms.

A differently unmodish alto saxophonist is Art Pepper, whose first album in

LIGHTNING

*The roots of the tree are elastic, but
the huge elm wants to become
a cathedral—in a second more sudden,
more sudden than faith!—
which might have happened in just
such an instant: following the sign from the sky,
a homing flash and then
halves where there was one (tree, mind, way
of thinking, feeling). To contain a cathedral,*

*a tree must be very large, larger
than most. This one has the look of
a great event, a rupture (crusaders
could pray here), but in
reality, it has only the split personality
of the wooden saviour.*

*This is the present. Earlier,
I loved that old violin for winds, that tree,
that (like me) unpolished ladder
to this or that fine something I’ll never see,
gone now to music.*

Marvin Bell

authority, in and out of music.

Where Paul Desmond has chosen accompanists (guitarist Ed Bickert, bassist Don Thompson, drummer Jerry Fuller) as introspective as he is, Pepper heads a more outwardly daring crew, one more appropriate to his own less convoluted temperament. It is the very model of what used to be called a cooking jazz rhythm section—players acutely and anticipatorily attentive to one another and to the soloist, and sounding as if they had been working together every night since they could walk. For them alone—pianist Hampton Hawes, bassist Charlie Haden and drummer Shelly Manne—the set is worth close listening.

Art Pepper turned 50 last year. It was quite a surprise to him, since there had been an amplitude of auguries that he'd not see 40. Yet here he is, at half a century, playing more inventively and more originally than ever before. It used to be said that jazz is a true *métier* only for young players. (It was young players who used to say it.) But the evidence, as on these two recordings, is far less restrictive. □

FILMS

ROBERT HATCH

The Man Who Fell to Earth—so many men do that it's not a very provocative title for a science fiction film. But that may be the point. In any case, the film is not very provocative science fiction; provoking rather. As has been said countless times, the best science fiction does not concern itself with intergalactic cowboys and Indians or terrify us with the menace of hyperintelligent jellies; instead, it carries a payload of social criticism in its stream of technological astonishments. You can get a revealing view of contemporary pathologies by projecting them to logical extremes. *The Man Who Fell to Earth* (directed by Nicolas Roeg; screenplay by Paul Meyersberg, from a novel by Walter Tevis) works that territory, but in an unenterprising way. And the other-world gimmickry lacks the internal plausibility that space fantasy requires.

Thomas Newton (David Bowie, a rock star in real life, if that's what it's called) lands with a splash in some Western mountain lake. He is dressed in inconspicuous poverty, but has with him a couple of hundred used wedding rings, which he hocks to get himself a grubstake. Out there where Newton comes from they have been watching us for some time on TV and know all

about pawning small objects of value—judging by Newton's (Bowie's) accent, they mainly watched British TV. As for the rings, the death rate on Newton's planet has recently been high.

The foreign chap also has with him a batch of electronic diagrams and formulas which, a patent lawyer (Buck Henry) assures him, will put General Electric, IBM and Polaroid out of business. Sure enough, they do; Newton is soon the head of World Something or Other, a firm that has its finger in every consumer pie and carries the odd billion dollars in a petty cash account. Newton thereupon channels all profits into building a spaceship that will take him back to where he came from. But General Electric, IBM, Polaroid and, by this time, the FBI are little pleased with the enigmatic and excessively pale young man's success; they variously dispose of his motel chambermaid mistress (Candy Clark), his alcoholic, pissed-off scientific lieutenant (Rip Torn) and his homosexual lawyer (Henry) and, with the help of some horribly grinning surgeons, fix the alien so that he never gets home again—or anywhere else, for that matter. Well, it is indeed true that someone intending to pull the rug out from under the corporate elite of the United States would do well to set up some defenses—but that's not perhaps the kind of thing you learn from watching television, and Newton's failure to prepare for the counterattack of the industrial-police complex is understandable. More important, this social message is not what I mean by carrying contemporary pathologies to logical extremes. Any issue of a morning paper will take you almost as far.

By the extraterrestrial plot of the picture I was considerably baffled. Newton's planet, we see in flashbacks, is a world that has lost all its water and most of its atmosphere and the people there are surviving, for the moment, by wearing portable intensive-care units. That being the case, the young husband has parted, after lingering gestures, from his wife and two children, to voyage through space to earth and there build a ship in order to return to them. Why? Did he hope we would provide air and water; did he seek permission for his people to emigrate? How many of them are left?—maybe only the Newton family, and the mother and children die before the film ends. Perhaps the stranger became so disillusioned with us on close inspection that he dropped all thought of appealing to our generosity, but there is no indication that he ever tried. And if you're hoping to solicit emergency aid on a global scale a poor way to go about it is to try to take

over the entire economy of the donor planet.

The one point that *The Man Who* manages to make explicit is that strangers to the white man's ways fall easy victims to his vices; Newton proves susceptible to gin, to which he is introduced by the amorous chambermaid. His sexual prowess appears to be considerable and that perplexed me a bit. For beneath his Bowie disguise Newton is no mammal, being a kind of bifurcated sea anemone, and I should have thought the species gap too wide for dalliance. That's quibbling, I suppose, but I wouldn't quibble if the film had given me anything more pertinent to talk about. All in all, it's a witless venture, tritely sardonic and covering its unresolved implications with outer-space photographic swirls and high-frequency squeals. It reminds me of that little black box which, when you wind it up, opens its lid so that a spooky little hand can reach out and close the lid. People even used to buy them; maybe they'll buy *The Man Who Fell to Earth*.

Claude Berri's *Male of the Century*, in which Berri himself plays opposite Juliet Berto as his wife, is not the French domestic comedy of the century. Its humor occasionally turns coarse in a way that disputes the frothy nonsense of the situation, and so too the violence sometimes looks mean. It can be objected that the central business—Claude (Berri uses his own name) is obsessively jealous of his wife because she has confessed to, and refuses to repent, a night of casual infidelity, maintaining that the experience was pleasant, but of no more consequence than his periodic and quite open

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visits to the neighborhood whores—produces outbursts that become increasingly predictable and cumulatively boring. But for all that, the picture gave me more pleasure than I can remember having at the movies in some months. How so?

In the June 10th *New York Review*, Michael Wood introduces a review of several novels as follows:

Fiction is full of exiles from or-

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inary life: stranded, marginal, baffled, sulking, deluded, or violent creatures. Indeed, some sort of snag or hitch or resistance, some lapse from expectations, is probably necessary to get any story started. If Odysseus had stayed at home, there would have been no *Odyssey*. This is obvious enough, but it does mean that fiction, and perhaps even narrative, can have very little hold on ordinary life, since ordinary life, like Ithaca, is what has to be abandoned at the outset.

Mr. Wood appears to be offering that observation as a basic principle, but I doubt that it has that stature—he could, for example, have forgotten Jane Austen, whose men and women were not much given to abandoning ordinary life. However, it may well hold generally for contemporary fiction, particularly American fiction—and, as usually happens with fiction, for reasons grounded in the society. I don't want to put much added mileage on that old vehicle, the identity crisis, for the purpose of reviewing a slight film, but it is true that Berri's people are set in their milieu with a satisfying firmness that you don't find often enough in the stories being spun here at home. Our writers seem unable to find a milieu with enough substance to give their characters habits and habitations. It seems that we lack the grid of relationships on which, in other times and other places, you could establish individual personalities acting within consensual limits—or exceeding those limits with grave effect. Ordinary people with a weak sense of self and place do not relate strongly to the adventures of other ordinary people. Common experience, common ground seem to be lacking, so perforce novelists send every Tom, Dick and Harry off on an *Odyssey*. A steady diet of such fiction leaves you with nerves jumpy and lonelier than ever.

So Berri's Claude, a fat young family man with a small business in gents' trousers, who calls himself The Pants King and gnaws his knuckles over his wife's light-hearted attitude toward her marriage vows, has charm. When she is held hostage in a bank robbery, he torments himself, not for her safety but with visions of her possible light-heartedness toward the robber. You might say, then, that he loves himself, not her, but that would be wrong. He loves the life they have made themselves, and it is an assumption of such a life that a wife must be faithful, though her husband need not. Of course Claude is what we now call a male chauvinist—every French *petit bourgeois* since Charlemagne has been a male chauvinist, so what else would he be? His wife opens his eyes for him, but I doubt that

MY FACE BREAKS APART

*The frozen lake and the sky
cracked by the grey wind.
My face breaks apart too
in the mirror and you are there
again, winter after winter,
your bones behind my skin.*

*The steel clouds freeze
like your memory in me,
the fallow flesh creased by your own
stigmata, life's signature
of suffering on you, the wounds
you scratched, that bled but never*

*healed. As your wrists inside
my own scratch me. What matters is
this skeleton of night, my pillow
bent to hold your shape down
so it won't fly away. The night
cannot contain your cries.*

*Only my body can hold you down,
my fractured face so weak already
from your bones crumbling.
You are waiting to be released,
to be born out of my body.
I rush outside to find the right*

*place to let you out. I see you
as you were in cheap cafeterias,
the woman in front of me without
a coat. Or that one huddled
under a leaky umbrella, waiting
for a streetcar. I see you poor*

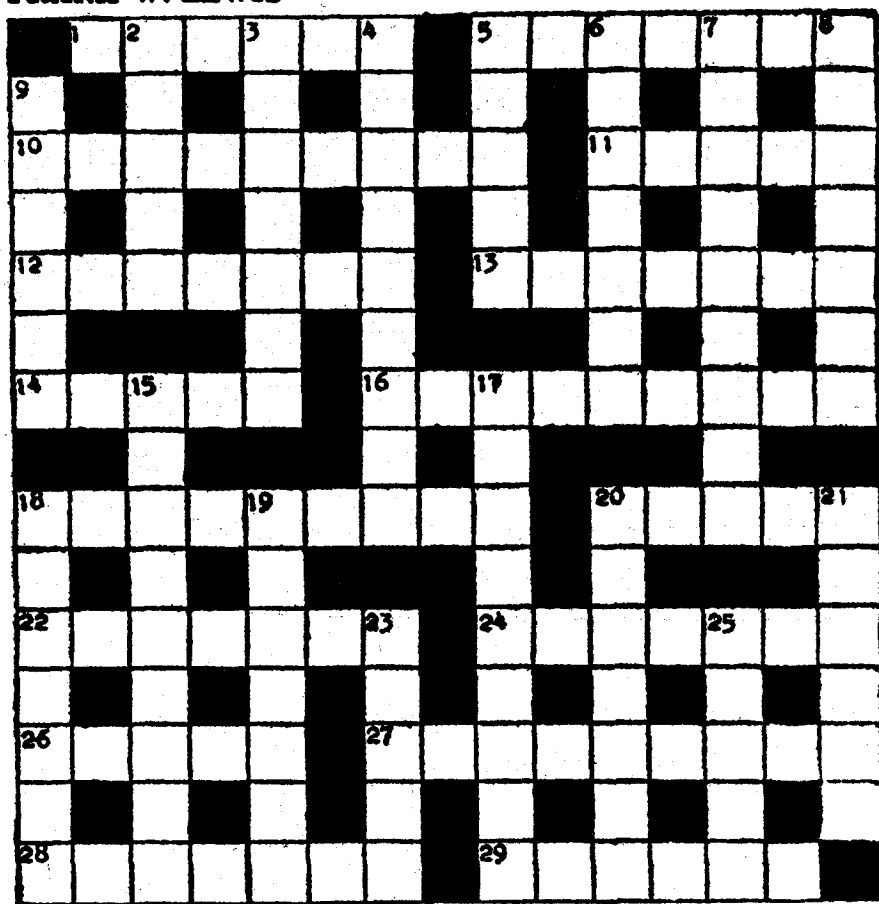
*as always, curved and hopeless,
weeping without a sound. It is
your heart, twin to my heart.
We are walking past windows
that flash the dark back on your glasses
I broke once with a stone.*

Naomi Lazard

she much broadens his views: in a society as structured as theirs it takes more than one generation to do that. But each of them loves what the other represents in their common life. Claude, the dominant male at 5 feet 4 and short of breath, is a figure of fun. He is also a figure of some weight because he gives off so strongly the flavor of the French working class. Compared to him, the American working-class hero of Cassavetes's *Woman Under the Influence* seems no more substantial than an actor demonstrating a repertory of hysterical mannerisms. What it comes down to is that for social drama—comedy or tragedy—you need a society solid enough and long enough established to supply the norms on which fiction can play its variations. Lacking that, we all get spaced out. □

Crossword Puzzle No. 1637

FRANK W. LEWIS



ACROSS

- 1 and 20 across Literally, should a Mesopotamian area be so like some racing cars or airplanes? (6-5)
- 5 and 25 down What pilots ultimately hope to be doing could be useful during invasion. (7,5)
- 10 Not how things frequently happen. (9)
- 11 When 7, it hasn't been tapped yet. (5)
- 12 Was this ship described as being in a big race? (7)
- 13 In substance, a sort of detective concerning a common man. (7)
- 14 The Latin root of "mathematics"? (5)
- 16 The position of the moon when on the wagon sounds old-fashioned. (2,3,4)
- 18 No oral examination is recommended for the present. (4,5)
- 22 If you find any in the fat, whistle at the end of it, perhaps. (7)
- 24 It makes up a nice set, and proves attractive. (7)
- 26 Boadicea had such people in service, nineteen centuries ago. (5)
- 27 Actor and peer combined, to make part of the future generation. (9)
- 28 In a military manner, move at least a few feet around on the ruler. (7)
- 29 Almost all of the nest egg is scrambled for the cats. (6)

DOWN

- 2 and 9 Have faith in young Brown, like President Roosevelt? (5-6)
- 3 "Night and Day"? You'll find one no longer, now. (7)

- 4 Sounds like letters take a number of sheets of paper. (Entertaining notes found here, though. (4,5))
- 5 For example a hen could provide part of the cake. (5)
- 6 Old English prison with a modern entrance? (7)
- 7 Where your supply of gas might be, primarily. (2,3,4)
- 8 A spell of capital punishment as an alternative to great upheaval. (7)
- 15 and 23 Not what military planners intend the submarine service to provide. (7,2,5)
- 17 Not the air of the first person to provide a signature of sorts. (5,4)
- 18 Metal mug overturned about everything I put on. (7)
- 19 Strive to act like a judge around it, with a little more weight. (7)
- 20 Church of Rome where the dead get moved along quickly? (7)
- 21 Ran a good race, possibly, but hopes are so shattered. (6)

SOLUTION TO PUZZLE NO. 1636

ACROSS: 1 How now, brown cow; 10 Embargo; 11 Theban; 12 Streamer; 14 Two-some; 15 Senna; 17 Docks; 19 Diorama; 21 Emaciate; 25 Cheroot; 26 Engines. DOWN: 1 Hesitated; 2 Whitest; 3 Oviparous; 4 Bugs; 5 Over the top; 6 Noble; 7 Oarsman; 13, 23, 27, 21 down, 9 and 8 How doth the little busy bee improve each shining hour; 15 Shaking up; 16 Addressee; 18 Chapeau; 20 Antonio; 22 Ivory; 24 Kepi.

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